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ADOPTION PROCESS

ARTICLE 1.
PURPOSE; APPLICABILITY; RULES OF CONSTRUCTION

Section 1.1. Title.

These regulations shall be cited as the Zoning Ordinance and Auxiliary Development Code of Brunswick County, North Carolina.

Section 1.2. Authority and Purpose.

These regulations are adopted pursuant to the authority granted to Brunswick County by Chapter 153A, Article 18, of the General Statutes of North Carolina, in order to carry out the purposes listed below.

- (A) These zoning regulations have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, and to facilitate the adequate and economic provision of transportation, water, sewerage, schools, parks and other public facilities and services.
- (B) The Zoning Districts and maps have been made with due consideration of future growth, development, and change in land development according to objectives expressed in the most recently adopted Land Use Plan or more detailed plans or policies for the development of the County, as well as with due consideration of existing development and uses of land within Brunswick County.
- (C) These regulations and districts represent reasonable consideration of the character of the districts and their peculiar suitability for particular uses of land and have been enacted with a view to preserving the existing environment and/or assuring the development of a future environment that realizes the greatest possible use and enjoyment of land on individual properties. This purpose is balanced against the necessary protection of the values of buildings and land and the use and enjoyment of land on adjacent properties and with the objective of promoting and protecting the public welfare through the regulations of land use and the process of land development.
- (D) The Auxiliary Development Code portions of this chapter address Planned Unit Development plats in their various innovations including cluster and zero side yard set back platting, and are designed to encourage innovation in development patterns and diversification of uses and principal structures for efficiency, attractiveness, flexibility, and environmentally sensitive land use, whereby the public interest of the County is carefully protected and preserved.

Section 1.3. Jurisdiction.

These regulations govern the development and use of all land, waters, and structures in the unincorporated areas of Brunswick County which are outside of the zoning jurisdiction of any other governmental unit having equal land use regulatory authority. No building, structure, or land shall be used or occupied, or no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, enlarged, or structurally altered, unless in conformity with all the provisions of these regulations and other applicable regulations, except as otherwise provided by these regulations. The regulations shall not apply to bona fide farms except that non-farm uses on farms are regulated herein.

Section 1.4. Division of the County into Zoning Districts; Official Zoning Maps.

The County is hereby designated in Zoning Districts. The Zoning Districts are shown on the official Zoning Map of Brunswick County, which is a part of this Ordinance.

- (A) The official Zoning Map may consist of one or more map sheets.
- (B) The original reproducible map or map sheets comprising the official Zoning Map as well as any successor maps shall be signed by the County Manager and attested by the Clerk to the Board of County Commissioners.
- (C) In the event of amendment of any Zoning District boundaries set forth on the official Zoning Map, the change shall be certified by the County Manager and attested by the Clerk to the Board of County Commissioners with note as to the amending ordinance number, the date of amendment, and the nature of the change.
 - (1) Rules for Interpreting District Boundaries. Where uncertainty exists with respect to the boundaries of the Districts as shown on the official Zoning Map, the following rules shall apply:
 - (a) Where District boundaries are indicated as following the center lines of streets, highways, or alleys, such center lines shall be construed to be such boundaries.
 - (b) Where District boundaries are indicated as approximately parallel to the center lines of streets or highways, such District boundaries shall be construed as being parallel thereto, and at such distance therefrom as indicated on the official Zoning Map. If no distance is indicated specifically on the Zoning Map, the scale of the map shall determine.
 - (c) Where District boundaries run to, but do not extend into water areas, and no separate Zoning District is shown over such waters and their minor

land areas, they shall be considered to run into such water areas in a straight line, continuing the prevailing direction of the boundary as it approaches water, until they intersect other District boundaries or the jurisdictional limits.

Boundaries which run through water courses, lakes, and other water areas, shall be assumed to be located midway in such water areas, unless otherwise indicated.

- (d) Where District boundaries are indicated as following platted lot lines, the lot lines shall be construed to be the District boundaries.
- (e) Where District boundaries divide platted lots or cross unsubdivided property, and where no specific dimensions are indicated on the official Zoning Map, the scale of the official Zoning Map shall control.
- (f) Where the street or property layout, or other physical features existing on the ground are at variance with the official Zoning Map, or where other uncertainties exist as to interpretation of the official Zoning Map, upon receipt of a written report from the Planning Board, the Board of Adjustment shall interpret the map in such a manner as to carry out the intent and purposes of this chapter.

Section 1.5. Clarification of Areas Under Water, and of Other Areas Not Elsewhere Classified.

All areas within the jurisdiction of the County which are under water and are not shown as included within any district shall be subject to all of the regulations of the District which immediately adjoins the water area. If the water area adjoins two or more Districts, the boundaries of each District shall be construed to extend into the water in a straight line until they meet the boundaries of another District or the jurisdictional limit.

All lands within the jurisdiction of Brunswick County which are not under water and are not shown as included within the limits of any district shall be considered to be in the R-7500-Residential District, until otherwise classified by amendment to this Chapter.

Section 1.6. District Regulations; Purposes and Matter Regulated; Application of Regulations; Schedule of District Regulations.

- (A) Purposes. The regulations and restrictions herein prescribed are in furtherance of the general purposes set forth in Section 1.2 and have the specific objectives of:
 - (1) Reducing, or eliminating, elements of present and future harmful incompatibility between uses permitted in the same District or neighboring Districts;

- (2) Segregating uses which cannot be made reasonably compatible into separate Districts; and
 - (3) Encouraging and promoting orderly development, according to the needs of the general public, as set forth in most recently the Land Use Plan and detailed plans and policies.
- (B) Matters regulated. Matters regulated include:
- (1) Use of land and water for trade, industry, residence, parking, and other purposes;
 - (2) Size of lots, yards, and other spaces;
 - (3) Maximum coverage of lots by buildings and other structures, and by uses;
 - (4) Height, size, location, erection and construction, reconstruction, alteration and use of buildings and other structures for trade, industry, residence, and other purposes; and
 - (5) Density of population.
- (C) Application of Regulations. Except as hereinafter provided, no structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any structure or land be used or occupied which does not comply with all the District regulations established by this Chapter for the District in which the building or land is located. No part of a yard or other open space, or parking or loading space required for any building for the purpose of complying with the provisions of this Chapter, shall be included as part of a yard or other open space, or parking or loading space similarly required for another building.

Excepting on bona fide farms, in no case shall there be more than one main structure and the customary accessory structures on one lot, except as otherwise provided. No yard, or lot now existing, or hereafter created, shall be reduced in dimensions or area below the minimum requirements herein for the District in which located. No structure shall be erected on a lot heretofore or hereafter reduced below minimum dimensions or area required by law; provided, however, this requirement shall not apply in any District in which a dwelling unit is permitted or permissible to a lot which was of record, either by a plat or by a deed describing the lot by metes and bounds or otherwise, in the Public Registry, Brunswick County, as of the effective date of this Chapter.

Within each District, regulations herein set forth shall be minimum regulations, and shall apply uniformly to each class or kind of building or land, and may specify: uses permitted, uses permissible if reasonable requirements of a special nature are met to reduce or eliminate harmful incompatibility, or uses or characteristics of uses prohibited.

- (D) Schedule of District Regulations. Except for regulations applying to more than one District, regulations for the individual Districts appear in the Schedule of District Regulations.

Section 1.7. Exceptions to Applicability.

- (A) These regulations shall not be applicable or enforceable without the consent of the owner with regard to lots, buildings, or structures for which a building permit has been issued prior to the effective date of these regulations so long as the permit has not been revoked and/or is not revokable pursuant to N.C.G.S. Section 153A-362. If construction authorized by the permit is not started within six (6) months of the permit issuance, or after construction has commenced, if the work is discontinued for a period of twelve (12) months, the permit shall immediately expire pursuant to N.C.G.S. Section 153A-357 and any further work shall be subject to these regulations.
- (B) Any amendments, modifications, supplements, repeal, or other changes to these regulations and restrictions or the Zoning Maps shall not be applicable or enforceable without the consent of the owner with regard to buildings and uses for which either 1.) a building permit has been issued prior to the effective date of the ordinance making the change, so long as the permit remains valid and unexpired pursuant to G.S. Section 153A-358 and the building permit has not been revoked pursuant to G.S. Section 153A-362, or 2.) a vested right has been established pursuant to Section 1.12 and such vested right remains valid and unexpired pursuant to Section 1.12. A permit issued pursuant to G.S. Section 153A-357 shall expire by limitation in six (6) months after the date of issuance if the work authorized by the permit has not been commenced, except that a permit shall not expire or be revoked because of the running time while a vested right under Section 1.12 is outstanding. If after commencement the work is discontinued for a period of twelve (12) months, the permit therefore shall immediately expire except for a permit issued under Section 1.12. Upon issuance of a building permit under Section 1.12, the provisions of G.S. Section 153A-358 and G.S. Section 153A-362 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under the section is outstanding. No work authorized by any permit that has expired shall thereafter be performed until a new permit has been secured.
- (C) As to future amendments to this Zoning Ordinance, these regulations shall not be applicable or enforced without the consent of the owner with regard to uses previously

approved under a Special Exception. Development of these uses will be governed by the previously approved site plans of such Special Exceptions.

Section 1.8. Relation to Other Ordinances.

It is not intended that this Chapter in any way repeal, annul or interfere with the existing provisions of any other law or ordinance. In addition, it is not intended that this ordinance in any way repeal, annul or interfere with any rules, regulations or permits which were legally adopted or issued under previous ordinances for the use or development of land or structures. Finally, it is not intended that this ordinance interfere with any easements, covenants, or other agreements between parties besides the County of Brunswick. However, if the provisions of this Chapter impose greater restrictions or higher standards for the use of a building or land, or for yards or size of structures than is called for by other ordinances, permits, easements or agreements, then the provisions of this Chapter will take precedence over the others and will control the use of development, except as otherwise provided above under Section 1.7.

Section 1.9. Relation Of This Chapter To Any Pending Actions.

The adoption of this Chapter shall not affect any action, suit or proceeding which may be pending at the time the Chapter is adopted. With respect to the subject matter of any pending action, all rights, obligations and liabilities are still valid and may be preserved and enforced.

Section 1.10. Separability.

If any section of specific provisions or standards of these regulations or any Zoning District boundary that is hereby established or may exist in the future is found by a court of competent jurisdiction to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or District Boundary of these regulations, except the provision in question. The other portions of these regulations not affected by the decision of the court shall remain in full force and effect.

Section 1.11. Effective Date.

These regulations shall become effective upon further action by Brunswick County Board of Commissioners.

Section 1.12. Procedures For Establishing A Vested Right.

Pursuant to N.C.G.S. Section 153A-344.1, Vesting Rights, as of the effective date of this Chapter, a vested right to undertake and complete the development and use of property under the terms and conditions as approved pursuant to this Chapter shall be established with respect to any property upon the approval pursuant to this Chapter of a Special Exception for a site specific development plan or a phased development plan.

The approved plans and conditions for a Special Exceptions constitute, for purposes of N.C.G.S. Section 153A-344.1, site specific development plans.

A right which has been vested as provided for in this section shall remain vested for a period of three (3) years. Modifications or amendments to an approved plan do not extend the period of vesting unless specifically so provided by the Board of Adjustment or the Planning Board upon approval of the modification and or amendment. A vested right obtained under this section is not a personal right, but shall attach to and run with the subject property. A right which has been vested as provided in this Section shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

Section 1.13. General Rules of Construction.

For the purposes of these regulations, the following rules of construction shall apply:

- (A) These regulations shall be construed to achieve the purposes for which they are adopted.
- (B) In the event of a conflict between the text of these regulations and any caption, figure, illustration, or table, the text of these regulations shall control.
- (C) In the event of any conflict in limitations, requirements, or standards applying to an individual use or structure, the more stringent or restrictive provision shall apply.
- (D) The words "shall", "must", and "will", are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- (E) The word "may" is permissive in nature, except when the context of the particular use is negative, then it is mandatory.
- (F) Words used in the present tense include the future tense.
- (G) Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
- (H) Words used in the masculine gender include the feminine gender.

Section 1.14. Fractional Requirements.

When any requirement of these regulations results in a fraction of a dwelling unit or other measurement, that fraction will be disregarded and the next highest whole number shall apply.

ARTICLE 2: DEFINITIONS

Section 2.1. Definitions.

For the purposes of these regulations, the following words and terms have the meanings specified in this part:

(A) **"A"**

(1) **Abandon**

To cease the regular use or maintenance of a lot, building, or structure.

(2) **Abutting**

Having common property boundaries or lot lines which are not separated by a street or other type of public way.

(3) **Accessory Structure or Use**

A use of structure that is customarily or typically subordinate to and serves a principal use or structure; is clearly subordinate in area, extent, or purpose to the principal use or structure served; and is located on the same lot as the principal use or structure.

Such features as television reception discs, potable well water housing, hand radio operator features, patios, swimming and fish/lily pools including screening of such pools, tool sheds, utility buildings, and hot tubs are examples of accessory uses and structures.

(4) **Adjacent**

Either abutting or being directly across a street, other public way, or body of water which does not exceed 100 feet in width.

(5) **Adult Day Care/Health Services**

Adult day care means the provision of group care and supervision in a place other than their usual place of abode on a less than 24-hour basis to adults who may be physically or mentally disabled. The following programs are exempted from the provisions of N.C.G.S. 131D-6:

- those that care for three people or less;
- those that care for two or more persons, all of whom are related by blood or marriage to the operator of the facility;

- those that are required by other statutes to be licensed by the Department of Human Resources.

Adult day health services is the provision of an organized program of services during the day in a community group setting for the purpose of supporting an adult's personal independence, and promoting his social, physical, and emotional well-being. Services must include health care services as defined by the *North Carolina Adult Day Care and Day Health Services Standards for Certification* and a variety of program activities designed to meet the individual needs and interests of the participants, and referral to and assistance in using appropriate community resources. Also included are food and food services to provide a nutritional meal and snacks as appropriate to the program.

Any Adult Day Care/Health Services shall be no closer than one-half (½) mile radius from any existing and/or permitted Adult Day Care/Health Services. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located.

Transportation to and from the service facility is provided or arranged for when needed and not otherwise available within the geographical area specified by the day health program. Rev. 12/01/03

(6) **Adult & Sexually Oriented Businesses**

(a) **Adult Arcade.**

An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).

(b) **Adult Bookstore.**

An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offer for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

- (c) Adult Business.
An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.
- (d) Adult Motion Picture Theater.
An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion (25%) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.
- (e) Adult Theater.
A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical area or by specified sexual activities.
- (f) Massage.
Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.
- (g) Massage Business.
Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Excluded from this definition are legitimate massage therapists, bodywork therapists, or contact manipulation therapists, working under the direct supervision of a licensed Physician, or who in the regular course of their respective businesses, have been licensed or certified by any governmental subdivision in North Carolina, or licensed or certified by a recognized association or organization on file with the North Carolina Secretary of State, the North Carolina Board of Chiropractic Examiners, North Carolina Board of Medical Examiners, N.C. Board of Occupational Therapy, NC Board of Physical Therapy Examiners, or Board of Podiatry Examiners, or have been certified or licensed by a national organization and similarly registered.
- (h) Sexually Oriented Business.
A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented

businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage businesses, as defined by this ordinance.

(i) Specified Anatomical Areas.

Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

(j) Specified Sexual Activities.

Specified sexual activities shall be defined as:

- (i) Human genitals in a state of stimulation or arousal;
- (ii) Acts of human masturbation, sexual intercourse, sodomy; or
- (iii) Fondling of other erotic genitals, pubic regions, buttocks or female breasts.

(k) Total Retail Space.

Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

(7) **Agri-Business**

A specialized activity associated with, or serving bona fide farms and the general public, including marketing, processing, packaging, transporting, and wholesale or retail sale of products, which products consist of a central component which is produced on or benefits a bona fide farm. An Agri-Business is not an Agricultural Industry.

(8) **Agricultural Industry**

Except for home consumption on bona fide farms and Agri-Business activities, processing of fish, shellfish, poultry, and other natural and manmade animal, vegetable or mineral organisms including fur bearing animals, mice and rats, rabbits, winged animals, carnivorous animals, snakes; culturing, processing development and production of any bona fide farm product; packing, selling, displaying, or distributing or other activity with any non-bona fide farm commodity.

(9) **Airport**

A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft are regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land.

(10) **Amendment**

Any change to the text of these regulations or the official zoning maps by the Board of Commissioners or an administrative change.

(11) **Amortization**

The process of providing for a timed extinction of a use which is not in compliance with this Ordinance.

(12) **Animal Hospital/Veterinary Clinic**

A place or facility which provides dental, medical or surgical care for dogs, cats and other domesticated animals. Kennels are not included within this definition.

(13) **Arboretum**

A place for the scientific study and public exhibition of trees, shrubs, and plants, including unique features such as butterfly rooms.

(14) **Automotive Graveyard**

Any establishment or place of business which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined or dismantled motor vehicles, motor vehicle parts, boats, lawn mowers, tractors, and similar appliances. Any establishment or place of business upon which two or more unlicensed, used motor vehicles or boats or similar equipment which cannot be operated under their own power shall be deemed an automobile graveyard, and thus a junkyard.

(15) **Automotive Repair**

A building designed and used for the storage, care, and repair of motor vehicles including motors of boats and planes including both minor and major mechanical overhauling, paint and body work.

(B) **"B"**

(1) **Board Of Adjustment**

The Zoning Board of Adjustment of the County of Brunswick.

(2) **Bona Fide Farm**

Any tract of land containing at least one acre which is used for activities relating to production, and activities incidental to production of crops, fruits, vegetables, ornamental and flowering plants, grasses and grains, forest products, dairy,

livestock, fish and shellfish, poultry, and other agricultural products having a domestic or foreign market, and excludes commercial and industrial processing.

(3) **Buffer**

A strip of land with natural or planted vegetation located between a structure and a property line intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A buffer area may include any required screening for the site.

(4) **Buildable Area**

The area of a zoning lot remaining after the minimum setback requirements of this Ordinance have been satisfied.

(5) **Building**

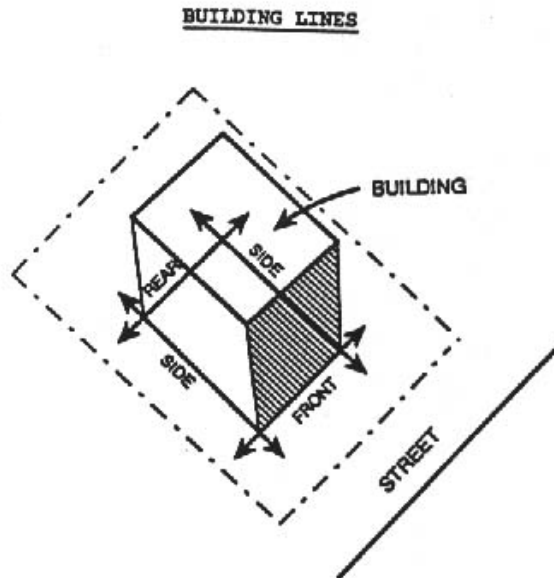
A temporary or permanent structure having a roof supported by columns or walls and which can be used for the shelter, housing, or enclosure of person, animals, or goods. Manufactured homes and modular homes are buildings.

(6) **Building Height**

The height of a building shall be measured from average finished grade at the front of a building or structure to the highest point of the building.

(7) **Building Lines**

Lines that are tangent to the exterior surface of buildings or structure, parallel to front, side and rear lot lines, and referred to as front, side and rear building lines, respectively.



(8) **Building Site**

An area of land or property where development is undertaken.

(C) **"C"**

(1) **Cabinet and Woodworking Shops**

Establishments engaged in manufacturing fabricated mill work, cabinets, hardwood dimension, structural wood members, containers and other wood products, but excluding the processing of raw logs from the field.

(2) **Camper**

A folding structure manufactured of metal, wood, canvas, plastic, or other materials, or any combination thereof, mounted on wheels and designed for travel, recreation, or vacation use. A camper is not designed or intended to be used as a permanent dwelling. Campers may also include the following:

- (a) **Travel trailer:** A vehicular, portable structure built on chassis, designed to be towed by a self-propelled vehicle for use for travel, recreation, or vacation purposes. A travel trailer is not designed or meant to be used as a permanent dwelling.

(b) **Recreational Vehicle**: A self-propelled vehicle or portable structure mounted on such a vehicle designed as temporary dwelling for travel, recreation, and vacation.

(c) **Tent**: A portable shelter of canvas, plastic, or skins stretched over a supporting framework of poles with skins stretched over a supporting framework of poles with ropes and pegs.

(3) **Camper Space**

A plot of land within a campground designed for the accommodation of one (1) camper or tent.

(4) **Campground**

Any lot upon which fifteen (15) or more campers or tent spaces are provided for temporary occupancy according to requirements as set forth in this ordinance. A campground shall also be known as a recreational vehicle park, or travel trailer park.

(5) **Car Wash**

A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually-operated equipment or automatic machinery.

(6) **Cemetery**

A place for the burial of the dead. A cemetery can be a combination of one or more of the following, in a place used or to be used and dedicated or designated for such purposes:

- (a) A burial park, for earth interment.
- (b) A mausoleum, for burial above the ground.
- (c) A columbarium, a structure substantially above the ground, for interment of the cremated remains of a deceased person.

(7) **Cemetery, Private**

As above, but where the owning entity, generally an extended family, fraternal order, or religious sect, does not sell or lease grave sites of any nature.

(8) **Church**

A religious institution often in the character of a church, temple, synagogue, mosque, or store-front operation, providing education, fellowship, service including outreach, worship and sanctuary, including various accessory uses and

structures, such as schools, day care centers, Good Shepherd facilities providing without cost clothing, food, financial help, medical services, and catering to other needs such as temporary shelter for the Homeless. Such accessory features also include dwelling units for one or more staff, nunneries, senior citizen housing, nursing care facilities, monastic quarters, and orphanages, all on the same lot.

(9) **Club or Lodge (Private Nonprofit, Civic or Fraternal)**

A nonprofit association of persons, who are bona fide members paying dues, which owns, hires or leases a building, or portion thereof; the use of such premises being restricted to members and their guests but excluding adult establishments.

(10) **Cluster Development**

A tract of land, at least ten (10) acres in area, under individual, corporate, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a definitely programmed series of development operations, and according to an approved preliminary site plan.

(11) **Commercial Recreational Facilities**

Establishments engaged in providing indoor/outdoor amusement or entertainment services. This definition includes all uses in the following groups:

- (a) Amusement Parks.
- (b) Outdoor Theater.
- (c) Sports Facilities.

(12) **Common Open Space**

An area of open space within a development site designed and intended for the use and enjoyment of residents of the development or for the general public.

(13) **Condominium**

The ownership of single units in a structure with common areas and facilities.

(14) **Condominium Unit**

An enclosed space consisting of one or more rooms occupying all or part of a floor in a building of one or more floors or stories regardless of whether it is designed for residence, office, the operation of any industry or business, or any type of independent use and shall include such accessory spaces and areas as may be described in the declaration, such as garage space, storage space, balcony, terrace or patio.

(15) **Construction and Demolition Landfills**

Disposal facilities which store solid waste resulting solely from construction, remodeling, repair, or demolition operations on buildings or other structures, land-clearing debris (solid waste that is generated from land clearing activities such as stumps, tree, etc.), inert debris (solid waste which consists of material that is virtually inert, such as brick, concrete, rock, clean soil, and used asphalt), untreated wood, and uncontaminated earth.

(D) **"D"**

(1) **Day Care Facility**

Any child care arrangement which provides day care on a regular basis for more than four (4) hours per day for more than five (5) children, wherever operated and whether or not operated for profit, except that the following are not included: public schools; non-public schools whether or not accredited by the N.C. State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; summer day camps; and Bible schools normally conducted during vacation periods.

(2) **Density**

The total number of residential use units per acre of land. Density is determined by dividing the number of residential use units by the total number of lot acres. The entirety of a lot is included in the calculation including, but not limited to, wetlands, ponds and marsh.

(3) **Dewatering**

Withdrawal by mechanical means of subsurface water so as to effect drawdown, and to allow a dry environment below the natural water table.

(4) **Drawdown**

Reduction in head at a point, caused by the withdrawal of water from an aquifer.

(5) **Drive-In Restaurant or Refreshment Stand**

Any place or premises used for sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

(6) **Dwelling Unit**

A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, food preparation and sanitation.

Among the types of dwelling units regulated in this Chapter are:

(a) **Single Family House.**

Also called Single Family Residence and Single Family Dwelling, being a detached unit.

(b) **Multi-Family Dwelling.**

Two or more dwelling units sharing common walls, and possibly sharing common floors and ceilings.

(c) **Townhouse.**

A Single Family Dwelling Unit constructed in a series of attached units with property lines separating such units.

(d) **Manufactured Home.**

Manufactured Home shall be defined in accordance with the N.C. State Building Code.

(i) **Manufactured Home, Class A.**

A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

(a) The minimum width (the width being the narrower of the two overall dimensions) of the main body of the manufactured home as assembled on the site shall be at least twenty-two (22) feet for a distance extending along the length (the length being the longer of the two overall dimensions) of at least twenty (20) feet.

(b) The pitch of the roof of the manufactured home has a minimum vertical rise of two and two-tenths feet for each twelve feet of horizontal run; the roof is finished with a type of shingle that is commonly used in standard residential construction and which does not exceed the reflectivity of

gloss white paint; the roof has an overhang (eave) extending at least ten (10) inches from each vertical exterior wall. A site installed gutter may be counted in the width of the eave.

- (c) The exterior siding consists of wood, hardboard, vinyl, brick or aluminum and shall be comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction, and which does not exceed the reflectivity of gloss white paint.
- (d) A continuous, permanent masonry foundation or masonry curtain wall, unpierced except for required ventilation and access, shall be installed upon a poured concrete footer after placement on the lot, and before occupancy.
- (e) The tongue, axis, transporting light, and removable towing apparatus are removed after placement on the lot and before occupancy.
- (f) The manufactured home is set up on the site in accordance with the standards set by the N.C. Department of Insurance.
- (g) Stairs, porches, entrance platforms and other means of entrance and exit to the manufactured home shall be installed and constructed in accordance with the standards set by the N.C. Department of Insurance.
- (h) The manufactured home is oriented on the site in such a manner that the side having the main entrance, and by design intended to be the front of the manufactured home, is generally parallel to a public street abutting the site.

(ii) Manufactured Home, Class B.

A manufactured home that meets all of the criteria of a Class A Manufactured Home, except criteria (b), (c), (d), (e), and (h), provided, however, said manufactured home shall be installed with permanent type non-reflective skirting specifically manufactured for manufactured homes, pressure treated wood (except plain standard-surface/pressure treated plywood shall not be considered acceptable), or masonry underpinning. Such underpinning or skirting shall be installed under all elements of the

manufactured home and be unpierced except for required ventilation and an access door."

(iii) Manufactured Home, Class C.

A manufactured home that meets all of the requirements of a Class A Manufactured Home, except criteria (a), (b), (c), (d), (e), and (h); provided however, said manufactured home shall be installed with permanent type non-reflective skirting specifically manufactured for manufactured homes, pressure treated wood (except plain standard-surface, pressure treated plywood shall not be considered acceptable), or masonry underpinning. Such underpinning or skirting shall be installed under all elements of the manufactured home and be unpierced except for required ventilation and an access door.

(iv) Manufactured Home, Class D.

A manufactured home that does not meet the requirements of a Class A, Class B, or Class C Manufactured Home.

(e) Modular Home.

A dwelling unit constructed in accordance with the standards set forth in the NC Uniform Residential Building Code, applicable to site-built homes, including Volume 1-B general construction, Volume II Plumbing, Volume III Mechanical, and Volume IV Electrical. The home is composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular home may consist of several sections transported to the site in a manner similar to a mobile home except that the modular home meets the State Building Code applicable to site-built homes or a series of panels or room sections transported on a truck and erected or joined together on the site with a permanent foundation, with the steel frame removed.

(f) Bed and Breakfast House.

Any form of dwelling unit whose primary use is as a permanent residence but which offers extra bedrooms to whomsoever for payment resides there with food.

(g) Boarding House.

Any form of dwelling unit where meals and rooms are offered on a permanent or long-term basis, for remuneration.

(E) **"E"**(1) **Educational Facilities**

Colleges, Universities, Professional Schools & Technical Institutions, Elementary & Secondary Schools, Libraries, and Museums. Kindergartens are not excluded.

(2) **Emergency Shelter**

A facility providing temporary lodging and ancillary services on its premises to primarily indigent, needy, homeless or transient persons and operated by a nonprofit, charitable, or religious organization.

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(F) **"F"**(1) **Family Care Home**

A home licensed pursuant to G.S. Chapter 131D, Article 1, for adults and children with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six (6) resident handicapped persons. A "handicapped person" as defined in G.S. 168-21(2) means a person with a temporary or permanent physical, emotional, or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in G.S. 122C-3(11)b. If the home is not licensed under G.S. 131D, Article 1 or is exempt from State licensing, the home is a group home and a special exception is required.

Any Family Care Home shall be no closer than one-half (½) mile radius from any existing and/or permitted Family Care Home or Group Care Home. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located.

(2) **Financial Institution**

A use or structure where financial, pecuniary, fiscal or monetary services are made available, including depository institutions, non-depository institutions, holding companies, other investment companies, brokers and dealers in securities and commodity contracts, security and commodity exchanges, cash checking services, bondsmen services, and pawn brokers. The word bank is interchangeable with the term financial institution in this Chapter.

(3) **Floating Structure**

Any structure or vessel in fact used, designed and occupied as a permanent dwelling unit, business or source of any occupation or any private or social club,

which floating structure or vessel is primarily immobile and out of navigation or which functions substantially as a land structure while the same is moored or docked on waters within County jurisdiction; whether such floating structure is self-propelled or not.

(G) **"G"**

(1) **Garage Service and/or Repair**

Buildings and premises for major repairs on automobiles, trucks, boats, and other equipment including large engines, body work, painting, and reconstruction.

(2) **Golf Course**

A tract of land designed and laid out for the game of golf having at least nine (9) holes, each with a tee, fairway, green, and one or more hazards. A clubhouse, pool and other facilities associated with a country club built around a golf course are considered part of the golf course. The minimum area for a nine (9) hole golf course shall be fifty (50) acres. The minimum area for an eighteen (18) hole golf course shall be one hundred (100) acres. Par 3 and Executive golf courses shall be a minimum of twenty (20) acres. Golf facilities not meeting these minimum requirements shall be considered commercial recreation uses.

(3) **Group Care Home**

A dwelling in which persons reside while receiving therapy or counseling to assist them in overcoming addiction to intemperate use of narcotics or alcohol, or in adjusting to society after or during imprisonment through such means as pre-release, work-release, or probationary programs. If a home does not meet the family care home definition, it is considered a group care home and a special exception is required.

Any Group Care Home shall be no closer than one-half (½) mile radius from any existing and/or permitted Family Care Home or Group Care Home. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located.

(4) **Guesthouse**

A separate residence for guests, as a house on a private estate or a boarding house, of high standards.

(H) **"H"**

(1) **Hazardous Materials Treatment Facility**

A building, structure or use of land devoted, or intended to be devoted, primarily to changing by any method, technique or process, including incineration or neutralization, the physical, chemical, or biological character of any hazardous material regulated by the Federal Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. Section 6901 et seq.), and the "North Carolina Solid Waste Management Act", as amended (Article 13B. G.S. 130-166.16), so as to neutralize such material or render it non-hazardous, safer for transport, amendable for recovery, amendable for storage or reduced in bulk. Such a use may also contain temporary storage facilities normally associated with these operations and of sufficient size to conduct a commercially feasible operation. However, under no circumstances is a hazardous materials treatment facility to be construed to be any of the following:

- (a) A facility which manufactures hazardous materials from component non-hazardous materials;
- (b) A facility or location for the long term or perpetual storage of hazardous materials; or
- (c) A facility for the treatment of hazardous materials which is clearly subordinate, incidental and related to the principal structure, building or use of land and is located on the same lot as the principal structure, building or use.

(2) **Heavy Manufacturing**

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of sound, smoke, fumes, odors, glare, or health and safety hazards, including the following permissible or permitted uses in zoning districts prohibited under the definition of Light Manufacturing:

- (a) Heavy Equipment Repair.
- (b) Septic Tank Services.
- (c) Tire recapping.
- (d) Truck washing.
- (e) Under Wholesale Trade:
 - (i) Ammunition
 - (ii) Animals, and animal products.
 - (iii) Agricultural chemicals, pesticides or fertilizers.

- (iv) Chemicals and allied products.
 - (v) Grain and field beans.
 - (vi) Livestock.
 - (vii) Lumber and other construction materials.
 - (vii) Construction and mining machinery.
 - (ix) Farm and garden machinery.
 - (x) Minerals.
 - (xi) Petroleum and petroleum products.
 - (xii) Resins.
 - (xiii) Scrap and waste industries.
 - (xiv) Major demolition debris landfill.
- (f) Non-hazardous private solid waste disposal.
- (g) Under Manufacturing:
- (i) Aircraft and aircraft parts.
 - (ii) Small arms ammunition.
 - (iii) Animal feeds, including dog and cat.
 - (iv) Animal slaughtering or rendering.
 - (v) Asbestos, abrasive, or related products.
 - (vi) Asphalt plant.
 - (vii) Batteries.
 - (viii) Alcoholic beverage products.
 - (ix) Chemicals, paints, and allied products.
 - (x) Concrete, cut stone, and clay products.
 - (xi) Heavy construction contractors operations.
 - (xii) Fabricated metal products.
 - (xii) Animal fats and oils.
 - (xiv) Canned, cured, or frozen fish.
 - (xv) Floor coverings other than carpet.
 - (xvi) Furniture manufacturing and woodworking facilities.
 - (xvii) Glass.
 - (xviii) Tanning involved in producing leather and leather products.
 - (xix) Packing and processing of meat and poultry.
 - (xx) Metal coating and engraving.
 - (xxi) Motor vehicle assembly.
 - (xxii) Coating and laminating of paper products.

- (xxiii) Petroleum and related products.
- (xxiv) Primary metal products, and foundries.
- (xxv) Pulp and paper mills.
- (xxvi) Raw rubbers and plastics.
- (xxvii) Surface active agents.
- (xxviii) Textile products where there is dyeing and finishing.
- (xxix) Tires and inner tubes.
- (xxx) Tobacco products.
- (xxxi) Wood products other than containers.
- (xxxii) Salvage yards, scrap processing.
- (xxxiii) Salvage yards, auto parts.
- (xxxiv) Sawmill or planing mill.

(3) **Home Occupations**

A Commercial activity conducted within a dwelling unit located in a residential zoning district, primarily by one or more occupants thereof. This activity shall be an accessory use which is clearly incidental and secondary to the residential use of the dwelling unit and shall be subject to the following restrictions:

- (a) The Home Occupation shall occupy an area not to exceed twenty-five (25) percent of the gross floor area of the dwelling unit. All activities shall be conducted entirely within the dwelling unit and are not permitted in a detached garage or other accessory structure.
- (b) There shall be no external evidence of the activity such as commercial vehicles, window displays, outside storage, smoke, noise, odors or other nuisances emitted from the premises.
- (c) Only one person may be employed who is not a resident of the dwelling.
- (d) No display of products may be visible from the street.
- (e) No infrastructure demands shall be generated by the Home Occupation in greater volumes that would normally be expected with a residential use.
- (f) Instruction in music, dance, and similar subjects shall be limited to two students at a time.

(4) **Hospital**

An establishment primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other services, as well as continuous nursing services. The establishment has an organized medical staff on duty 24 hours a day, inpatient beds and equipment and facilities to provide complete health care; may also provide emergency room care and include less intensive medical uses such as convalescent and ambulatory care facilities.

(I) **"I"**

(1) **Impervious Surface**

Any surface which in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not be limited to compacted earth (such as marl and coquina), gravel, concrete, asphalt, or other paving material, and all area covered by the footprint of buildings or structures. Uncovered wooden slatted decks and the water area of a swimming pool are considered pervious.

(2) **Indoor Recreation**

Public or private health or exercise clubs, tennis or other racquet courts, swimming pools, YMCA's, YWCA's or similar uses which constitute principal uses and are enclosed in buildings and are operated on a fee or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Indoor recreation" structures may include accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use.

(J) **"J"**

(1) **Junkyard**

Place which is maintained, operated, or used for storing, or keeping, dismantling, salvaging, buying, or selling scrap or junk including household appliances, paper, metals, rubber, rags, glass, or for maintenance or operation of an automobile graveyard, and the term shall include private garbage dumps, and private sanitary landfills. A junkyard is deemed an industrial activity.

(2) **Junked Motor Vehicles**

Motor vehicles which do not display a current license plate or a current registration sticker and which do not display a current inspection sticker issued by or in the same state as the license plate or registration sticker and:

- (a) are partially dismantled or wrecked; or

- (b) cannot be self-propelled or moved in the manner in which originally intended; or
- (c) is more than five (5) years old and appears to be worth less than one hundred dollars (\$100).

(K) **"K"**

(1) **Kennel**

A commercial non-incidental or non-profit establishment used as a housing facility for animals of any species, excluding domesticated livestock, engaged in any of the following:

- (a) Owning or keeping, for any purpose animals.
- (b) Leasing, selling and/or training guard dogs or security dogs.
- (c) Keeping animals at any given time for the purpose of boarding, grooming, training, breeding, or rehabilitation.

The housing facility shall be licensed by the Animal Health Division of the North Carolina Department of Agriculture and Consumer Services, Article 3, and constructed, designed or arranged to minimize noise impacts.

(L) **"L"**

(1) **Laboratory**

A facility for performing bacteriological, chemical, or other analyses.

(2) **Light Manufacturing**

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed twenty-five (25) percent of the floor area of all buildings on the property.

(3) **Lot**

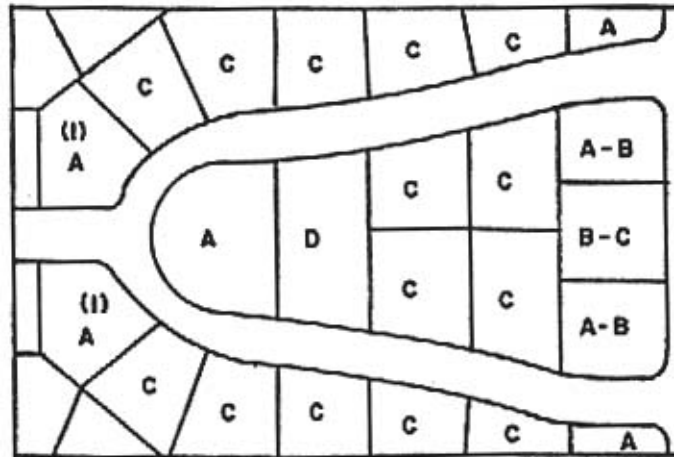
A parcel of land or a combination of several parcels of land occupied or intended to be occupied by a principal use or structure, with the accessory buildings and uses customarily incidental to it, including such open spaces as are required to make such lot usable under the terms of this Chapter. For the purposes of this Chapter, a parcel of land shall be considered a lot if the parcel:

- (i) has frontage on a public street, or

- (ii) has frontage on an officially approved private street through the Subdivision Ordinance, and
 - (iii) has been approved as a subdivision or an exemption to the Subdivision Ordinance, or
 - (iv) has been created through an heir division under the jurisdiction of the Clerk of Superior Court.
 - (b) All other land divisions not meeting this requirement existent at the effective date of passage of this Chapter shall be deemed a lot for purposes of this Chapter. For zoning purposes, a lot may consist of:
 - (i) A combination of complete lots of record;
 - (ii) A combination of complete lots of record and portions of lots of record;
 - (iii) Portions of lots of records, provided that such lots or combinations of lots are sufficient size to meet the requirements of this Chapter for the district in which located and no such portion falls below the average size of the lots of record in the block in question;
 - (iv) Single lots of record;
 - (v) Parcels of land defined by metes and bounds description where such parcels are in conformity with this Chapter and other laws of Brunswick County.
- (4) **Lot of Record**
- A lot that is shown on a subdivision recorded in the office of Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds.

(5) **Lot Types**

The following diagram illustrates the terminology used in this Chapter with reference to corner lots, reversed frontage lots, interior lots, and through lots:

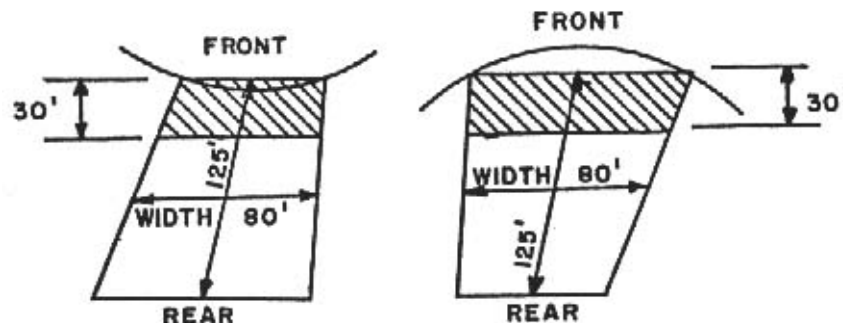


- (a) Corner lot, defined as a lot located at the intersection of two (2) or more intersecting streets. For the purpose of this Chapter, a lot abutting upon a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees. See the lot marked "A" (1) above.
- (b) Reversed frontage lot, defined as a lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot (see "A-B" and "B-C" in the diagram).
- (c) Interior lot, defined as a lot other than a corner lot, with only one frontage on a street other than an alley. See the lot marked "C" in the diagram.
- (d) Through lot, defined as a lot other than a corner lot, with frontage or more than one street other than an alley or limited access street. Through lots with frontage on two streets may be referred to as double-frontage lots. See the lot marked "D" in the diagram.

(6) **Lot Measurements**

- (a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost point of the side lot lines in the rear.
- (b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot line at each side of the lot measured parallel to a line established by joining the foremost points of the side lot lines and at half the depth of the lot.

Depth and width measurements are illustrated by the following diagrams:

(M) **"M"**(1) **Major Thoroughfare Plan**

The Brunswick County Thoroughfare Plan prepared by the North Carolina Department of Transportation in cooperation with the United States Department of Transportation and adopted by the Board of County Commissioners on October 5, 1987 and by the North Carolina Board of Transportation on February 12, 1988, or successor thereto.

(2) **Marinas**

Any publicly or privately owned dock, basin, or wet boat storage facility constructed to accommodate more than two boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul-out facilities, and repair services.

(3) **Manufactured Home Park**

Often known as Mobile Home Parks or House Trailer Parks, or Courts, being premises where manufactured homes are parked for living and sleeping purposes, or any premises used for or set apart for the purpose of supplying

parking space for mobile homes for living and sleeping purposes. Any such Park created after the effective date of this ordinance shall have a minimum of fifteen such spaces. A manufactured home park is not a manufactured home subdivision.

(4) **Mini-Storage Facility**

Small cubicles linked together in a single building or row of buildings for the purpose of renting storage space, usually on a temporary basis. This definition shall include mini-warehouse facilities, RV/camper and boat storage.

(5) **Mining Operations, Class I**

A place where soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) is removed to be used off-site, *without* further on-site processing (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment). It does not involve dewatering or the use of explosives and has an affected land area of no greater than twenty (20) acres.

(6) **Mining Operations, Class II**

A place where soil or other unconsolidated material (i.e. sand, marl, rock, fossil deposits, peat, fill or topsoil) is removed to be used off-site *with or without* further on-site processing (i.e. use of conveyor systems; screening machines; crushing; or other mechanical equipment). It does not involve dewatering or the use of explosives and has an affected land area greater than one (1) acre.

(7) **Motor Vehicle Dismantling and Wrecking Yard**

Any open area of more than two hundred (200) square feet used for storing or dismantling inoperative or junked or wrecked motor vehicles.

(8) **Multi-Family Development**

A tract of land under individual, corporate, firm, partnership or association ownership, or under common control evidenced by duly recorded contracts or agreements; planned and developed as an integral unit in a single development operation or in a definitely programmed series of development operations. Such development shall consist of two (2) or more duplex buildings, or three (3) or more dwelling units sharing one (1) or more common walls. The development shall have a unified or coordinated design of buildings and a coordinated organization of service areas and common open space area.

(N) **"N"**

(1) **Noncommercial Copy**

A sign message through pictures, illustrations, symbols, and/or words, or any combination thereof, which does not contain any reference to a business or product but displays a substantive message, statement or expression that is protected by the First Amendment to the Constitution of the United States.

(2) **Non-Conforming Use or Structure**

A structure, land or premises, individually or in combination, the use, dimensions, or other characteristics of which were established and lawful prior to passage of this chapter or amendment hereof, but which would not be permitted to be built or used in the same manner under the terms of this Chapter or amendment hereof.

(3) **Non-Conforming Vacant Lot**

Any lot which does not meet the minimum area or width requirements established in these regulations for the Zoning District in which located.

(4) **Nude**

A situation involving a condition of individuals being unclothed or devoid of clothing.

(5) **Nursery**

A place where plants are grown commercially, either for sale directly to the public, other retailers, or to wholesalers.

(6) **Nursing Home**

A licensed facility providing care (i.e., Managed care and Convalescent homes) for three (3) or more sick, aged or disabled persons not related by blood or marriage to the operator. Nursing homes are classified as "dependent" and/or "independent" living facilities depending upon the degree of support services on site.

(O) **"O"**

(1) **Open Space**

An area of land or water which is open and unobstructed including areas maintained in a natural or undisturbed character or areas improved for active or passive recreation. "Open space" shall not include lands below mean sea level

except required impoundments or retention ponds, carolina bays, and pocosins, and areas covered with buildings, structures, streets or off-street parking areas, including landscaping associated with such parking areas.

(2) **Outdoor Advertising Structure**

A sign or billboard designed to carry outdoor advertising including all free standing, off-premise signs. On-premise signs exceeding minimum requirements of this ordinance shall be considered as an Outdoor Advertising Structure.

(3) **Outdoor Recreation**

Public or private golf courses, driving ranges, swimming pools, tennis courts, ball fields, and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, club houses, country clubs or similar uses which are designed and intended primarily for the use of patrons of the principal recreational use.

(4) **Outpatient Facility**

A medical facility providing treatment to a patient who is able to return home after care without an overnight stay (i.e., Surgical care, Urgent care or any other outpatient facility).

(P) **"P"**

(1) **Park**

Land consisting of open space, in grasses, trees, and possibly with shrubbery, sometimes providing paths for walking and bicycling, maintained as a public or semi-public use. Parks are usually either a formal landscape, or maintained in basically a natural state.

(2) **Parking Space**

A storage space for one (1) automobile, plus the necessary access space. It shall always be located outside the dedicated street right-of-way.

(3) **Parking – Loading Berth**

A space at least ten (10) feet in width and twenty-five (25) feet in length, with fourteen (14) feet minimum vertical clearance, accessible from a street or alley.

(4) **Personal Service Establishments**

An establishment primarily engaged in providing services to individuals and/or staff support services to businesses. Personal Services include the following list of uses:

- (a) Business Services
- (b) Beauty Shops
- (c) Barber Shops
- (d) Miscellaneous repair shops not including automobile repair

(5) **Planned Group of Structures**

More than one (1) primary structure on a single tract of land, under individual, corporate, firm, partnership, or association ownership, planned and developed as a group, in a single development operation or a definitely programmed series of development operations, and according to an approved preliminary site plan.

(6) **Planned Unit Development**

An area of land under unified ownership and control to be developed and improved as a single entity under a Unified Development Plan in accordance with and subject to the requirements of this ordinance, including as part of it an official detailed site development plan.

(7) **Planning Board**

The Planning Board of Brunswick County, North Carolina.

(8) **Private Clubs**

See "Club or Lodge".

(9) **Professional Offices**

An establishment primarily engaged in providing: engineering, architectural, and surveying services; accounting, auditing, and bookkeeping services; public relations services; legal services; real estate services; the services of insurance agents, brokers and carriers; the services of security and commodity brokers; and the services of bank holding companies.

(10) **Public Road**

Any road or highway which is now or hereafter designated and maintained by the N.C. Department of Transportation as a part of the State Highway System, whether primary or secondary, hard-surfaced or other dependable highways, and any road which is a neighborhood public road as defined by North Carolina General Statute 136-67, which definition is incorporated into this section by reference.

(11) **Public/Semi-Public Facilities**

An electricity or gas substation, water or wastewater pumping station, telephone repeater station, water storage tank, reservoir, or similar structures used as an intermediary switching, boosting, distribution, or transfer station for electricity, water, wastewater, cable television, or telephone services between the point of generation and the end user, or a wastewater treatment plant, but not including satellite dish antennas, facilities for the handling of solid waste, or radio, television, or microwave transmission or relay towers.

(12) **Public Sewage Disposal System**

A wastewater treatment system serving as a minimum fifteen (15) or more dwelling units and approved by the appropriate agent of the state of North Carolina. This definition is not to be inferred as limited to publicly owned or operated systems, as such systems may be owned and operated by either public or private enterprise.

(13) **Public Water Supply**

Any water supply furnishing potable water to fifteen (15) connections, or combination of twenty-five (25) residences or businesses so approved and designated by the appropriate agent of the state of North Carolina. This definition is not to be inferred as limited to publicly owned or operated systems, as such systems may be owned and operated by either public or private enterprise.

(Q) **"Q"**

(1) **Quarrying**

A place where minerals as defined in the N.C. General Statutes in Article 7 Chapter 74 are excavated for building or other purposes. Quarries are characterized by any of the following: 1). industrial or dimension stone is excavated; 2). dewatering; 3). the use of explosives; 4). the excavated material is processed prior to sale or delivery off site; 5). stone faces are left in reclamation; and 6). re-injection wells may be used.

(R) **"R"**

(1) **Restaurant**

A public or private enterprise designed in whole or in part to accommodate and cater to the consumption of food and/or drink, as regulated by the ABC law, either for on site or off site consumption, and can be conducted within enclosed space or as open air activity.

(2) **Retail Sales, Less Than or Equal to 10,000 Square Feet**

Retail establishments with a gross floor area (including storage) of less than or equal to 10,000 square feet providing general merchandise to the public including motor fuels.

(3) **Retail Sales, More Than 10,000 Square Feet**

Retail establishments with a gross floor area (including storage) of more than 10,000 square feet providing general merchandise to the public including motor fuels.

(4) **Retreat Center**

A new or existing facility operated by a corporation or association of persons or churches for social and recreational purposes. A retreat center may be owned by a profit or not-for-profit organization.

(S) **"S"**

(1) **Screening**

A fence, wall, hedge, landscaping, earth berm, buffer area or any combination of these provided to create a visual and/or physical separation between certain land uses. Screening may be located on the property line or elsewhere on the site.

(2) **Semi-Trailer**

Any motor vehicle, other than a pole trailer, which is designed to be drawn by another motor vehicle and is constructed so that some part of its weight rests upon the self-propelled towing vehicle.

(3) **Septage**

A waste that is a fluid mixture of partially treated sewage solids, liquids and sludge of human or domestic waste origin, pumped from septic tanks, residential grease traps, or privies. Septage shall be considered that waste which has not been treated by a process to significantly reduce pathogens.

(4) **Sign**

Any object, device, or structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product; or scoreboards located on athletic fields.

(5) **Site Built Home**

A dwelling unit constructed in accordance with the standards set forth in the North Carolina Building Code real title (Uniform residential code for single family dwellings) and composed of components substantially assembled on site on a permanent foundation. A site built home shall be deemed to be a single-family dwelling as defined in this Ordinance.

(6) **Site Specific Development Plan**

A plan of land development submitted to the appropriate approval authority for the purpose of obtaining one of the following approvals/permissions pursuant to N.C.G.S. 153A-334.1:

- (a) A major site plan prepared for a Special Exception to this ordinance based upon such required and official site plan;
- (b) A Planned Unit Development Plan jointly receiving permissions/authority under the terms of this ordinance and the Subdivision Ordinance, thus a combined Zoning Special Exception and preliminary plat.
- (c) Or such other combination of approvals and permissions under both this ordinance and the Subdivision Ordinance as from time to time may be developed in accordance with the intent of this General Statute.

(7) **Sludge**

Any solid, semi-solid, or liquid waste generated from a residential, commercial, municipal, or industrial wastewater treatment plant or water supply treatment plant not considered to be hazardous by EPA or the NC Department of Human Resources, Solid and Hazardous Waste Branch. Sludge shall be considered that waste which has been treated by a process to significantly reduce pathogens.

(8) **Solid Waste**

Any garbage, refuse, septage, sludge or any other waste material which is not considered hazardous by the US Environmental Protection Agency (EPA) or the North Carolina State Department of Human Resources, Solid and Hazardous Waste Branch.

(9) **Sound**

The sensation perceived by the sense of hearing, i.e., mechanical radiant energy that is transmitted by longitudinal pressure waves in air, or other material medium, and is the objective cause of the sensation of hearing.

(10) **Stable, Commercial**

A commercial operation where horses are kept for purposes such as boarding, hire or sale.

(11) **Stable, Private**

A structure in which horses are kept for private use.

(12) **Storage, Open-Air**

The storage of goods, bulk materials or discarded items in the open or under a structure containing a roof but no walls.

(13) **Stormwater Removal**

Evacuation of surface water accumulation that does not lower the natural water table.

(14) **Street**

A pedestrian, bicycle, vehicular, storm drainage and utility right-of-way providing access to a lot.

(15) **Structure**

Anything, excluding paving, constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, screened enclosure, fences, advertising signs, billboards, poster panels, swimming pools, manufactured houses, modular houses, and underground shelters.

(16) **Structural Alterations**

Any change in the supporting members of a structure such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

(T) **"T"**

(1) **Terminal, Freight**

Any facility for handling freight with or without storage and maintenance facilities. This definition includes all uses in the following SIC groups:

- (a) Trucking and Courier Services, Except Air.
- (b) Trucking Terminal Facilities.

(2) **Transmission Tower**

A structure, either freestanding or attached to a building, principally intended to support and/or radiate or receive a source of non-ionizing electromagnetic radiation (NIEER), and accessory equipment related to broadcast services, private radio services, cellular telephone services, and common carriers (as regulated by the Federal Communications Commission), including AM, FM, two-way radio, television and cable antenna television transmission and reception, and microwave transmission.

For purposes of this definition, broadcast services include AM and FM radio and high and low power television signals which can be received by anyone with a radio or television. Private radio services include land-mobile or two-way and one-way paging services on the same frequency to many users.

The term transmission tower does not include electrical or telephone transmission lines or supporting structures, antennae of amateur radio (ham) operators, amateur club services licensed by the Federal Communications Commission, satellite dishes, and antennae less than sixty (60) feet in height with transmitting power of two hundred fifty (250) watts or less.

(3) **Truck Terminal**

A facility where cargo is stored and where trucks load and unload cargo on a regular basis.

(U) **"U"**

None.

(V) **"V"**

(1) **Veterinary Establishment**

A place specializing in the care, diagnosis and treatment of animals in need of medical or surgical attention. A veterinary establishment may have as an integral part of it, pens, stalls or cages for quarantine or observation, designed or arranged to minimize noise impacts.

(W) **"W"**

(1) **Warehouse**

The indoor storage of goods, materials, or merchandise for shipment to or processing on other property.

(2) **Wastewater Treatment Facility**

A facility operated by a licensed utility and or unit of government in compliance with all applicable State and County regulations, intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one (1) use or more than four (4) dwelling units or facility intended or used for the treatment and subsurface disposal of wastewater which serves only one (1) use or up to four (4) dwelling units.

(3) **Wholesale Establishment**

A building, property, or activity the principal use or purpose of which is the sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

(4) **Wood Waste Grinding Operation**

A permanent operation that receives organic wastes to be treated or processed for recycling or reuse in soil-plant related industries including activities such as grinding or chipping land clearing debris, high carbon nitrogen yard waste into mulch or boiler fuel. Such operation would be in existence for a period greater than six (6) months.

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(X) **"X"**

None.

(Y) "Y"

(1) **Yards – Definition, Location, and Measurement**

(a) Yard.

A required open space on the same lot with a structure. Such open space shall be unoccupied and shall be unobstructed by any portion of any structure from ground level upward. Certain exceptions to this definition appear elsewhere in this Chapter, and the following general exceptions also apply:

(i) Yard, front.

A yard extending between the side lot lines across the portion of a lot adjacent to a street. On corner lots, the front yard shall be provided facing the street on which the lot has its lesser dimension, providing that on streets on the Major Thoroughfare Plan, front yards shall also be provided facing such major streets.

(ii) Yard, side.

A yard extending along the side of a lot between the rear line of the front yard and the rear lot line. In areas with reversed frontage lotting where the front yard of one (1) lot adjoins the side yard or rear yard of another, the side yard involved shall be the width required in the district for that portion extending from the rear line of the front yard to the front line of the rear yard, and then shall run from the front line of the rear yard to the point of intersection of the rear line of the adjoining front yard with the lot line involved. Where through lots are involved, the side yard shall be considered as extending along the side of the lot between the rear lines of the front yards involved.

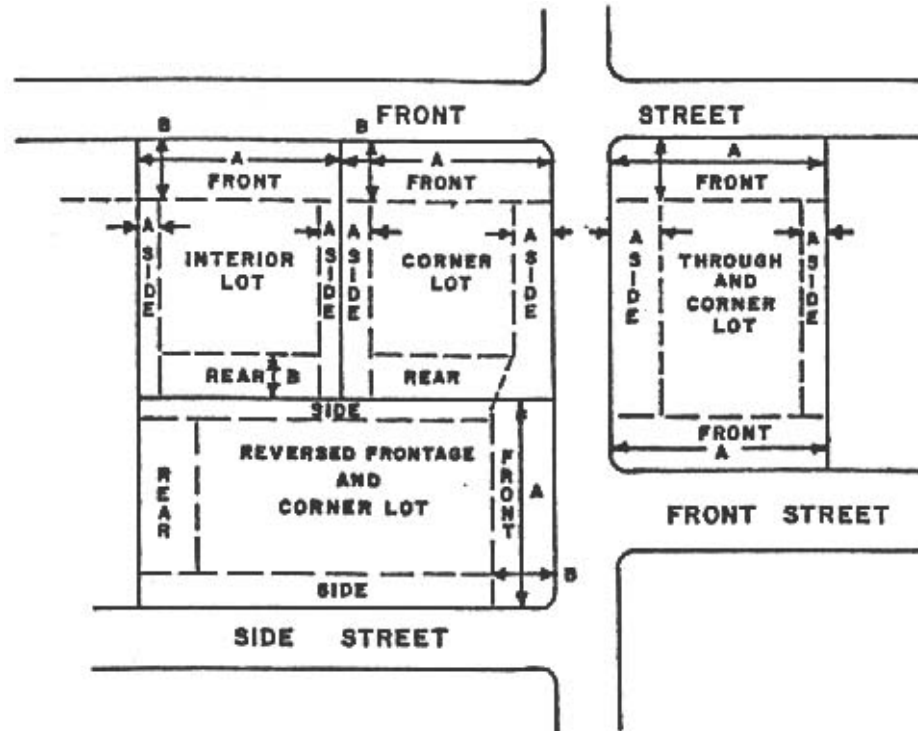
(ii) Yard, rear.

A yard extending across the rear of the lot between the side yard lines. The rear yard shall be at the opposite end of the lot from the front yard, excepting in the case of through lots. Screened swimming pools, patios, garden and yard equipment storage sheds, shelters, and other accessory structures may be located within rear yards. However, no portions of any structure shall be erected closer than ten (10) feet to the rear lot line, except as otherwise noted.

(2) **Rectangular Lots – Yard Nomenclature, Location, And Measurement.**

The following diagram and text define the terminology used in this chapter with reference to front, side, and rear yards on interior, corner, reversed frontage, and

through lots of rectangular shape and the manner in which required yard shall be measured:

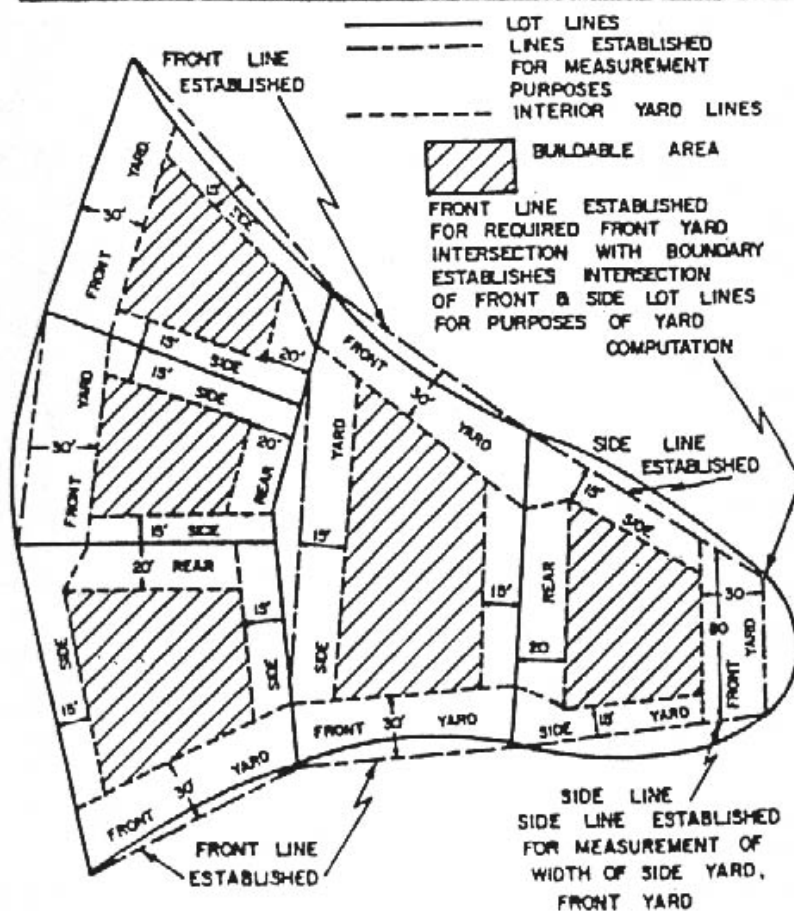


(a) Yard measurement.

In measurement of required yards, width shall be measured across the axis of the lot running parallel to the right-of-way of the street or streets on which the lot fronts; depth measure along the axis of the lot running perpendicular to the street or streets on which the lot fronts. In all measurements of yard which would be affected by corner radii at the intersections of streets, it shall be assumed that the lot lines meet at the same angle they would have formed without the corner radii and at the same point.

(3) Nonrectangular Lots – Yard Nomenclature, Location, And Measurement.

The following diagram and text define the terminology used in this chapter with reference to front, side, and rear yards on interior, corner, reversed frontage, and through lots of nonrectangular shape and the manner in which required yard shall be measured:



The front line of a required front yard shall be considered to be a straight line connecting the foremost points of the side lot lines. Depth of the required front yard shall be measured at right angles to this line, and the front and rear lines of the required front yard shall be parallel.

The width of a required front yard shall be measured along the rear line of such yard between side lines established by connecting the ends of the front and rear lot line with straight lines.

For lots having curvilinear boundaries which do not form a clear break between front and side lot lines, the front line of the required front yard shall be considered to be a straight line extending a distance of not less than eighty (80) percent of the required lot width, and connecting the boundaries of the lot, provided that this eighty (80) percent requirement shall not apply in the case of lots on the turning circle of cul-de-sacs, or on waterfronts. The point at which this front line intersects the lot boundaries shall be considered to be the intersection of front and side lot lines. Depth of the required front yard shall be measured at right angles to this line, and the front and rear lines of the required front yard shall be parallel.

(ii) Yard, side.

The width of required side yards shall be measured perpendicular to a straight line connecting the ends of front and rear lot lines, and the inner and outer side yard lines shall be parallel, except in the case of side lot lines tapering on reversed frontage lots.

(iii) Yard, rear.

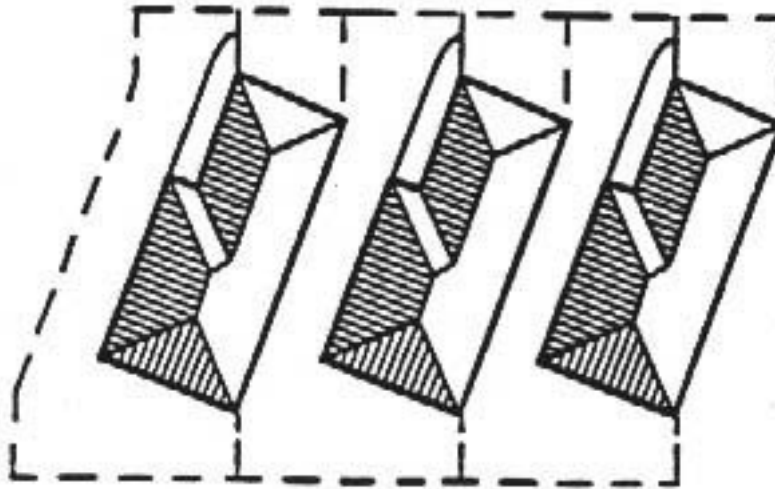
The rear line of a rear yard shall be established as that portion of a straight line connecting the rearmost points of the side lot lines which lie between the inner lot lines of the required side yards. Depth of the required rear yard shall be measured at right angles to this line, and the rear and front lines of the rear yard shall be parallel.

(Z) "Z"

(1) **Zero Lot Line**

The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on a lot line.

ZERO LOT LINE



(2) **Zoning Vested Right**

A right pursuant to N.C.G.S. 153A-344.1 to undertake and complete the development and use of land under the terms and conditions of an approved site development plan.

ARTICLE 3.
DECISION-MAKING AND ADMINISTRATIVE BODIES

Section 3.1. Board of County Commissioners.

The Board of County Commissioners shall have the following duties, powers and responsibilities:

- (A) To maintain a Planning Board and assure that the Board performs satisfactorily in development of the comprehensive plan including scheduled review and update of same from time to time, and further that the Planning Board performs duties and responsibilities assigned by statute and by this Chapter;
- (B) To establish a Zoning Board of Adjustment and assure that Board performs satisfactorily in the duties and responsibilities assigned to it by this Chapter;
- (C) To provide by appropriation funds for the administration of this Chapter;
- (D) To establish Rules of Procedure for and to conduct Hearings and decision-making over applications for amendment to or replacement of this Chapter, and;
- (E) To direct and assist the County Manager and County Attorney in their responsibilities assigned by this Chapter and by Statute.

Section 3.2. Planning Board.

The Planning Board is established by Article II, Chapter 1-2, Code of Ordinances, Brunswick County, N.C.

As stated in that Article and hereby reaffirmed, the Planning Board is that planning agency designated by N.C.G.S. 153A-344.

In addition to the duties and responsibilities assigned by Article II, Chapter 1-2, Code of Ordinances, Brunswick County, N.C. and by N.C.G.S. 153A-344, the Planning Board shall also:

- (A) Initiate recommendations to the Board of County Commissioners regarding changes in all or part of the comprehensive plan and to this Zoning Ordinance or other existing or required ordinances which would constitute a part of the total development code package of the County;
- (B) On all applications for amendment to any part of this Chapter to conduct a public hearing after some form of notice, and within thirty (30) days issue a Finding of Fact, guided in its decision by reliance on the elements of the comprehensive plan as to:

- (1) Whether the uses permitted by the proposed change would be appropriate to the area concerned;
- (2) Whether adequate public school facilities and other public services exist or can be created to serve the needs of any additional dwelling units likely to be constructed as a result of such change;
- (3) Whether the proposed change is in accordance with existing or proposed plans for providing public water supply and wastewater treatment systems in the vicinity;
- (4) The amount of vacant land which is currently zoned for similar development, and particularly in the area included in the proposed amendment, and any special circumstance which may make part of such vacant land unavailable for development;
- (5) The recent rate at which land is being developed in the proposed zoning district, particularly in the area included in the proposed amendment;
- (6) The effect of the proposed amendment upon the growth of existing neighborhoods and communities as envisioned by the comprehensive plan;
- (7) Consistency of the proposed amendment with the Comprehensive Plan or any other adopted land use document. Rev. 02/06/06
- (8) The proposed amendment is reasonable as it relates to the Comprehensive Plan and the public interest. Rev. 02/06/06
- (9) Whether other areas designated for similar development are likely to be so developed if the proposed amendment is adopted, and whether the designation for such future development should be withdrawn from such areas by further amendment to this Chapter, and
- (10) If the proposed amendment involves a change from a residential to non-residential designation, whether more non-residential land is needed in the proposed location to provide services or employment opportunities for residents of Brunswick County.

This Finding of Fact shall end in a recommendation of disposition of the application, which recommendation shall be presented on the next possible Agenda of the Board of County Commissioners. If favorable, it shall be accompanied on that Agenda by a draft ordinance of amendment for first reading and setting of Public Hearing.

- (C) Serve under N.C.G.S. 153A-345 as the planning agency to permit Special Exceptions in various Zoning Districts and in doing so to meet all requirements of Statute and of this Chapter, and in exercise of those specific Special Exceptions only, authorize such modification to the terms of this Chapter as they relate to the Special Exception as shown on the Site Specific Development Plan or other part of the development proposal under the Special Exception.

The purpose of having certain uses as permissible as Special Exceptions rather than as permitted uses is to insure that in specific instances the use shall be compatible with immediately surrounding development in keeping with the Statement of Intent of the Zoning District.

The Board will make a Finding as to whether the proposal meets all requirements and conditions of this Ordinance and whether it is in keeping with the Statement of Intent of the Zoning District and whether it will not substantially injure the value of adjoining or abutting property, subject to appropriate conditions and safeguards, such as:

- (1) Support facilities such as parking areas and driveways,
- (2) Pedestrian and vehicular circulation systems,
- (3) Screening and landscaping,
- (4) Timing of the proposed development,
- (5) Adequacy of easements and rights-of-way,
- (6) Impact reductions by such means as rearrangement of buildings on the site, and in no instance shall any of these conditions be more restrictive than any requirements which would pertain to that particular type of development found elsewhere in a similar Zoning District.

Section 3.3. Zoning Board of Adjustment.

A Zoning Board of Adjustment is hereby created. This Board may also be known as the Board of Adjustment.

The Zoning Board of Adjustment shall consist of five voting members, each a resident of one of the five Electoral Voting Districts, of three alternate members, and of four Ex Officio, non-voting members.

For voting members including alternate members, term of office shall be three years following initial staggered appointments. Each alternate member, while attending any regular or special

meeting of the board and serving in the absence of a regular member, has and may exercise all the powers and duties of a regular member.

Ex Officio members include the County Attorney or assignee, a member of the Board of County Commissioners selected by the Board of County Commissioners, a member of the Planning Board selected by the Planning Board, and only in the event the individual is not the person appointed as Zoning Administrator, the Director of Building Inspections or Chief Building Inspector.

In the event the Director of Building Inspections or Chief Building Inspector is the Zoning Administrator, then the Planning Director shall serve as the fourth Ex Officio member.

Terms of office of Ex Officio members are at the pleasure of their appointing authority. The Zoning Administrator shall serve as Clerk to the Board of Adjustment.

The Board of Adjustment is a quasi-judicial body; it shall establish a regular schedule of meeting as to time, date, and place, and shall establish Rules of Procedure.

A quorum is not obtained unless four voting members are present. In the event there is abstention for reason declared into the record by a voting member, then a particular matter cannot proceed unless and until four other voting members are present and vote. As required by N.C.G.S. 153A-345(e), a four-fifths vote of the members is required on any motion before the Board.

The Year of the Zoning Board of Adjustment is August 1–July 31.

As early as possible in each new Year of the Board, the voting members shall elect a chairman and vice-chairman. Either such party when in the chair shall have the authority to administer oaths to witnesses.

All decisions of the Board of Adjustment run with the land, never the person or corporation. Special Exceptions may have time limits imposed on their validity.

The minutes of the Zoning Board of Adjustment shall be kept in such detail as necessary, and do not reflect official action of the Board until adoption of same.

Minutes shall be filed in the office of the Zoning Administrator, as a public record.

The Zoning Board of Adjustment shall perform the following duties:

- (A) As specified in N.C.G.S. 153A-345(b), to hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator.

Within twenty (20) days of the order, requirement, decision, or determination, the aggrieved party must file such appeal with the Zoning Administrator, together with payment of a filing fee, to initiate the appeal process.

- (B) As specified in N.C.G.S. 153A-345(c), for those permissible but not outright permitted uses Special Exceptions shown in a Zoning District as under the determination of the Zoning Board of Adjustment, the Board may permit or deny such proposals in accordance with the principles, conditions, safeguards, and procedures specified in this Chapter.

The purpose of having certain uses as permissible as Special Exceptions rather than as permitted uses is to insure that in specific instances the use shall be compatible with immediately surrounding development in keeping with the Statement of Intent of the Zoning District.

Applications for Special Exceptions by the Zoning Board of Adjustment shall be filed with the Zoning Administrator, meeting all requirements for such filing as may exist from time to time as set by the Zoning Board of Adjustment.

Individual mailed notice to the applicant, and to any affected party who has a standing request for notice regarding the particular land, and to adjacent property owners shall be provided two (2) weeks prior to the public hearing.

The Board of Adjustment has the authority to subpoena witnesses and compel the production of evidence as specified in N.C.G.S. 153A-345(g). Rev. 02/06/06

The Public Hearing is not to solicit broad public opinion about how the board should vote on a matter; rather, it is a time for submittal of relevant factual evidence into the record by applicants, proponents, opponents and staff, all parties being sworn in advance at the opening, as required by statute. Opposing parties have the right to cross examine witnesses, and to file documents into the record, preferably in advance of the hearing and at the time of or as soon as possible after filing the application for Special Exception.

At the conclusion after hearing and rebuttals from all parties expressing such interest to be heard, the Zoning Administrator shall place into the record relevant evidence as a series of findings of fact as to whether the proposal meets all requirements and conditions of this Ordinance and whether it is in keeping with the Statement of Intent of the particular Zoning District and whether it will not substantially injure the value of adjoining or abutting property, subject to appropriate conditions and safeguards, such as:

- (1) Support facilities such as parking areas and driveways,
- (2) Pedestrian and vehicular circulation systems,
- (3) Screening and landscaping,
- (4) Timing of the proposed development,

- (5) Adequacy of easements and rights-of-way,
- (6) Impact reductions by such means as rearrangement of buildings on the site, and in no instance shall any of these conditions be more restrictive than any requirements which would pertain to that particular type of development found elsewhere in a similar Zoning District.

Both proponent and opponent will then be offered opportunity of rebuttal of the Zoning Administrator's evidence.

The Zoning Board of Adjustment then, and at this same meeting where evidence has been introduced through the application and then the public hearing process or at a continued meeting held within a reasonable period of time, shall make a full statement of both the evidence and its findings on each point over which the Zoning Administrator was required to report, and either issue the Special Exception, or issue it with further appropriate conditions and safeguards, or deny such issuance.

- (C) As specified in N.C.G.S. 153A-345(d), the Zoning Board of Adjustment may authorize in specific cases such variances to the terms of this Chapter as are commissioned with the provisions of N.C.G.S. 153A-345(d).

In no case shall the Zoning Board of Adjustment grant a use variance nor shall the Board grant a variance to exceed the maximum density as to number of dwelling units to the acre in a Zoning District.

Appeals for variance shall be filed with the Zoning Administrator, and meet all requirements as the Zoning Board of Adjustment shall establish, together with payment of a filing fee.

The same posting requirements and Public Hearing procedure apply as in (B) above.

At the conclusion of testimony of evidence into the record including any rebuttals related thereto, and as a part of the evidence, the Zoning Administrator shall report a Finding of Fact on each of the following points:

- (1) Whether on the basis of the evidence presented to this point in the public hearing the petitioner has proved that there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the ordinance, so that:
 - (a) If he complies with the provisions of the ordinance, the property owner can secure no reasonable return from, or make no reasonable use of, his property, and
 - (b) The hardship results from the application of the ordinance, and

- (c) The hardship is suffered by the applicant's property, and
 - (d) The hardship is not the result of the applicant's own actions, and
 - (e) The hardship is peculiar to the applicant's property.
- (2) Whether the variance is in harmony with the general purpose and intent of the ordinance and whether it preserves its spirit.
 - (3) Whether in the granting of the variance the public safety and welfare will have been assured and substantial justice will have been done.

Both proponent and opponent will then be offered opportunity of rebuttal of the Zoning Administrator's evidence.

The Zoning Board of Adjustment then, and at the same meeting where evidence has been introduced through the application and then the public hearing process or at a continued meeting held within a reasonable period of time, shall make a full statement of both the evidence and its findings on each point over which the Zoning Administrator was required to report, and either issue the variance, or issue it with appropriate conditions and safeguards, or deny such issuance.

- (D) In concert with the County Attorney or assignee, interpret zoning lines, and Zoning District boundary lines and related questions.

Section 3.4. Zoning Administrator.

The County Manager shall name a Zoning Administrator.

The Zoning Administrator or designee shall have the following authority, duties, and responsibilities:

- (A) The administration and enforcement of this Chapter.
- (B) The issuance of permits and certifications required and/or authorized by this Chapter.
- (C) Administrative, technical and professional support to the Zoning Board of Adjustment.
- (D) Liaison with other departments.

- (E) Collection of, and maintenance of, data and other information necessary to discharge responsibilities under this Chapter.
- (F) In the exercise of professional work, and after consultation with the County Attorney, to issue written clarifications of intent of language in this Chapter, and to maintain and publish a compendium of all such clarifications/interpretations.
- (G) Temporary Compliance Permits.

A Temporary Zoning Compliance Permit and a Temporary Certificate of Occupancy shall be issued prior to actual amendment to the Zoning Ordinance where the following criteria have been met:

- (1) A condition is discovered either through the application process, petition, or field observations, which prevents strict compliance with the Zoning Ordinance and issuance of a Certificate of Occupancy and the condition was not caused or brought about by an individual action of an owner or owners seeking amendment and
- (2) The condition which would prevent strict compliance with this Chapter applies to a number of similarly situated lots, not just to one lot, and
- (3) Either the owner or owners petition for change or the Zoning Administrator initiate the necessary change to this Chapter to correct the condition, and
- (4) The petition for change in the opinion of the Zoning Administrator is likely to be allowed; if in the opinion the Zoning Administrator the above criteria have been met shall issue a Temporary Certificate of Compliance and when necessary a Temporary Certificate of Occupancy, and shall make and report the Findings of Fact necessary to support his action in each such instance at the next meeting of the Planning Board together with a request for said Board to expedite whatever amendment is deemed necessary to correct the situation.

A Temporary Certificate of Compliance or Temporary Certificate of Occupancy shall be considered null and void should the amendment not be adopted within six (6) months from initiation of the amendment.

The owner of the property shall be deemed to take with knowledge that a permit issued under this section may become null and void and require immediate actual compliance or removal of any offending structure.

No officer issuing a permit under this section shall be liable to any party for his actions unless done willfully and outside the scope of his authority. The County shall indemnify and save harmless any official incurring liability for his actions under this section unless done willfully and outside the scope of his authority.

Section 3.5. Planning Director.

The Planning Director shall have the following duties:

- (A) To review this Chapter at least once a year as to relationship to the comprehensive plan and issue report to the Planning Board of resultant observations and findings including therein any recommendations as to possible need for amendment or addition either to this Chapter or other development law of Brunswick County or the comprehensive plan.
- (B) As Clerk to the Planning Board, provide needed support for the various functions the Planning Board has under this Chapter, including maintenance of this Chapter to meet changing conditions, amendments, and those Special Exceptions within the Planning Board purview, and their interpretative powers under this Chapter.
- (C) As agent of the County Manager, maintain the Zoning Map of this Chapter.
- (D) To serve as advisor to the Board of County Commissioners on any matter relevant to this Chapter, the comprehensive plan, and other development codes, and representing before the Board of Commissioners the Planning Board in determinations, findings, and recommendations.
- (E) In the absence of the Zoning Administrator, the Planning Director is responsible for assuring the actions called for by Section 3.104(G) above are carried out.

Section 3.6. Resubmission of Petition.

Upon final action by the Board of Commissioners to deny or approve an application for the rezoning of a piece of property, the Planning Board shall not review any applications for changes affecting the same property or any portion thereof until the expiration of one (1) year from the date of such previous action except as provided as follows:

The Zoning Administrator may allow re-submission of such petition within said one (1) year period if he determines that, since the date of action on the prior petition:

- (A) There has been a significant change in the zoning district classification of an adjacent piece of property.

- (B) The Board of Commissioners has adopted a plan that changes public policy regarding how the property affected by the amendment should be developed.
- (C) Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can comfortably accommodate the intensity of development allowed under the proposed classification.
- (D) There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the one year restriction on a new position; this, however, shall not include a change in the ownership of the subject property.

**ARTICLE 4.
SCHEDULE OF DISTRICT REGULATIONS**

Part A. Traditional Zoning Districts.

Section 4.1. RU-Rural.

(A) Description: Intent.

This District covers those lands not envisioned as becoming of urban or suburban character within twenty (20) years.

The general intent is to recognize that existing patterns of development for the greater part have not adversely impacted one another and so should either be permitted or permissible. The result is a mixed use Zoning District, incorporating bona fide farms and related activities, residential uses, commercial uses, and manufacturing uses.

Lot size for a dwelling unit is comparable to the lot size for same in the low density residential Zoning District. Lands in this District rely predominantly on individual wells and septic tank systems for domestic water supply and sewage disposal, respectively.

(B) Permitted Principal Uses And Structures.

Subject to provisions and restrictions contained here and elsewhere in this Chapter.

- (1) Adult Day Care/Health Services. Rev. 12/01/03
- (2) Agri-Business.
- (3) Arboretums/Botanical Garden.
- (4) Bed and Breakfast Houses.
- (5) Bona Fide Farms.
- (6) Cemeteries.
- (7) Churches.
- (8) Commercial Stables.
- (9) Commercial Boating Facilities.
- (10) Contractors Office or Storage.
- (11) Craft and woodworking shops, antique shops and similar crafts involving no outside processing, compounding treatment or excessive infrastructure.
- (12) Day Care Facilities.
- (13) Duplexes.
- (14) Educational Facilities.

- (15) Family Care Homes.
- (16) Funeral Homes.
- (17) Golf Courses.
- (18) Golf Driving Ranges.
- (19) Government Offices and Buildings.
- (20) Hunting Clubs.
- (21) Landscaping and Horticultural Services.
- (22) Mini-Storage, RV/Camper and Boat Storage Facilities.
- (23) Nurseries.
- (24) Nursing Home Facilities.
- (25) Personal Service Establishments.
- (26) Private Clubs.
- (27) Private Stables.
- (28) Public and Semi-public Facilities.
- (29) Public parks, Playgrounds, Playfields & Community Centers.
- (30) Restaurants.
- (31) Retail sale of produce grown on the premises.
- (32) Retail sales less than or equal to 10,000 square feet.
- (33) Single Family Dwellings, Modular Dwellings and Class A, B and C Manufactured Dwellings.

(C) Permitted Accessory Uses And Structures.

Uses and structures which: 1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; and 2) are not of a nature prohibited under F. Prohibited Uses and Structures.

- (1) Adult Day Care/Health Services.
- (2) Boarding House, for not over five non-family persons.
- (3) Day Care of not over five children, infirm persons, or elderly.
- (4) Home Occupations.

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- (5) Non-commercial Docks and Boathouses.
- (6) Professional Offices/Studios.
- (7) Temporary structures and operations in connection with an on the site of construction or land preparation activities, provided a Certificate of Occupancy shall have been issued therefor.
- (8) Uses and structures which: 1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; 2) do not involve the conduct of a business; and 3) are not of a nature prohibited under "Prohibited Uses and Structures".

(D) Special Exceptions Permissible By The Zoning Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Zoning Board of Adjustment may permit:

- (1) Agricultural industry, when the commodity processed is produced entirely on the same premises by a bona fide farm and no commodity not produced on the same land of this farm is treated or processed.
- (2) Airstrips.
- (3) Commercial Recreation Facilities.
- (4) Emergency Shelter, with the following minimum requirements: Rev. 10/04/04
 - (a) Location Consideration.
 - (i) Shall be no closer than one-half (1/2) mile radius from any existing and /or permitted Emergency Shelter, Group Home, or Family Care Home. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located.
 - (b) Shelter Management.
 - (i) Temporary shelter shall be available to residents for no more than six (6) months.
 - (ii) Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - (iii) The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment of programs for residents.

- (iv) Each Emergency Shelter must indicate as part of the written management plan how the following services will be provided (if applicable):
 - (a) Food service.
 - (b) Job counseling.
 - (c) Alcohol and drug addiction screening and counseling.
 - (d) Domestic abuse counseling.
 - (e) Health Care.
 - (f) Mental Health Care.
 - (g) Case Management.
 - (h) Transportation
 - (i) Safety Plan.
- (c) Development Standards.
 - (i) Common Facilities. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - (a) Central cooking and dining room(s).
 - (b) Recreation room.
 - (c) Counseling center.
 - (d) Childcare facilities.
 - (e) Other support services.
 - (ii) Security. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
 - (iii) External Lighting. Any lighting shall be internally oriented and shall not exceed forty feet (40') in height in commercially zoned areas and thirty feet (30') in height in residentially zoned areas.
 - (iv) Recreational Areas. Emergency shelters should provide for recreational areas outside of the shelter. If families are housed in the shelter, a play area for children should be provided.
 - (v) Outdoor Activity. For the proposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.
 - (vi) Unit Density. Minimum of two hundred (200) gross square feet per person.
 - (vii) Hours of Operation. Emergency shelters shall remain open 24 hours per day.
 - (viii) Separation of Clients. Emergency shelters shall provide for separation of families from individuals and special needs clients.
 - (ix) Buffering. Buffering shall be consistent with the requirements outlined in Section 6.3. of the Brunswick County Zoning

Ordinance. No activities shall occur in the buffer area except for maintenance of the buffer and the installation of water, sewer, electrical and other utility systems.

- (x) Off-Street Parking. Off-street parking shall be in accordance with Article 5 Section 5 Off-Street Parking and Loading Spaces.
- (5) Energy Generating Facilities.
- (6) Flea Markets.
- (7) Funeral Home with Crematorium.
- (8) Garage Service and/or Automobile Repair.
- (9) Group Care Homes.
- (10) Incinerators for the disposal of animal remains.
- (11) Junkyard, with the following minimum requirements:
 - (a) **Fencing.**
 - (i) Location. An opaque fence or wall shall be erected along the entire perimeter of the lot except for one point of ingress and egress, which shall not be over thirty feet (30') in width of opening of the wall, and over which space a gate of solid material shall be provided and closed during non-operating hours, or the lot be enclosed by fence with similar gate and the view on all sides be screened by natural objects grassed earthen berms, or heavy tree and shrubbery plantings. All business activity, including storage of vehicles or other materials, shall be conducted within the fence. Fencing requirements shall be one of the following:
 - (a) Within Fifty Feet (50') of Right-of-Way. An eight foot (8') solid fence is required if located within fifty feet (50') of the right-of-way boundary; or,
 - (b) Outside Fifty Feet (50') from Right-of-Way. A six foot (6') high solid fence is required if located fifty feet (50') or more from the right-of-way boundary.
 - (ii) Conditions. Such fencing shall meet the following conditions:
 - (a) Construction. The fence shall be constructed of materials sold and used as fencing materials with consistent height, materials, and color;

- (b) Maintenance. All fences shall be maintained in sound condition at all times; and,
 - (c) Advertising. Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure.
- (b) **Open Burning.** Open burning is prohibited.
- (c) **Hazardous Materials.** Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.
- (d) **General Requirements.**
 - (i) A junkyard shall not be placed within one thousand feet (1,000') of a major thoroughfare.
 - (ii) Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
 - (iii) Stock piling of tires and batteries is prohibited.
 - (iv) Weeds and vegetation shall be kept at a height not to exceed twelve inches (12").
- (e) Drainage of junkyards shall be adequate to assure that no standing water shall exist.
- (f) All performance standards of this Chapter shall be met for a use considered to be abutting a lot line of land in a Commercial District.
- (g) Full compliance with the N.C. State Building Code, including as to bath facilities for a commercial enterprise, and full compliance with N.C. Administrative Code over potable water and sewer services shall be required.
- (h) Notarized assurance from both the lot owner(s) and any party(ies) contracted to operate such junkyard shall be provided warranting no materials from such operation will be permitted to seep into the ground, whether it be oils, eroded dissolving base metals.
- (i) Access shall be provided by paved road to the lot.

- (12) Kennel.
- (13) Manufactured and Modular Home Sales Lots.
 - (a) On site sales office must be in operation within 180 days of the date of the Special Exception or the Special Exception becomes null and void.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (c) Storage and repair area(s) shall be screened from view. Replacement or discarded parts and accessories shall also be screened from view.
 - (d) Shall conform to sign regulations of the zoning district in which the use is located. In addition, each display home may have an informational sign not to exceed 3 square feet in area, directly adjacent to the home, which gives information about the home.
 - (e) Display homes shall maintain a minimum separation of at least 10 feet between each home. Display homes shall be leveled and blocked. Display homes, which are visible from the street right-of-way, shall be provided with some type of material and/or landscaping around the base which will prevent open views underneath the display home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
 - (f) The property owner is responsible for the removal of any vestige upon cessation of the business, including signage. Per GS 153A-140, should the property owner decline removal, such situations may be declared a "public nuisance".
- (14) Martial Arts Instructional Schools.
- (15) Mining Operations, Class I.
- (16) Non-hazardous Solid and Liquid Waste Disposal Sites.
- (17) Outdoor Sales or Display Areas, other than Manufactured and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals.
 - (a) The outdoor display area shall be located on the same property as the primary sales or rental area and shall be shown on an approved site plan.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (c) The merchandise shall not be located in any required yard.

- (d) The area displaying the merchandise must be screened or buffered from any adjoining residential use or zone.
 - (e) Permanent display shall not block sidewalks or parking areas, and may not impede vehicular or pedestrian traffic.
- (18) Private organizations operating as nude campgrounds, colonies, resorts or similar facilities, with the following minimum requirements:
 - (a) Must meet all applicable county and state regulations including but not limited to, Campground, Manufactured Home Park and PUD ordinances.
 - (b) Must operate as private organization with no access by the general public. Only members or guests members may be permitted on site.
 - (c) Must provide adequate visual and noise screening and/or buffering.
 - (d) No part of any facility or structure shall be:
 - (i) located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
 - (ii) located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.
 - (iii) located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
 - (iv) located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
 - (v) located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - (vi) located within fifteen hundred feet (1,500') of any publicly owned or operated facility.
- (19) Planing Mill.

- (20) Racetracks (i.e., dog race, horse race, go-cart, mud bogs and motorized vehicles).
- (21) Research Facilities.
- (22) Repair, remodeling, and renovation of vehicles and farm equipment, whether for profit or as a hobby, as long as any such activity is kept at least one hundred feet (100') away from any property line which abuts the R-7500, Low Density Residential, or the R-6000, Medium Density Residential Zoning Districts.
- (23) Retail sales more than 10,000 square feet.
- (24) Retreat Center.
- (25) Sawmills.
- (26) Sewer and Wastewater Treatment Plants and Facilities.
- (27) Shooting Ranges.
- (28) Transmission Towers.
- (29) Vehicle and Heavy Equipment Sales and Rentals.
 - (a) Junked or inoperable vehicles/heavy equipment shall not be on the premises unless such is within an enclosed building or screened area.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
- (30) Veterinary Establishments.
- (31) Wood Waste Grinding Operations with the following minimum requirements:
 - a. The minimum lot size shall be ten (10) acres.
 - (b) Wood Waste Grinding Operations and materials storage shall not be placed within six hundred sixty feet (660') of the right-of-way of any roadway located in the Transportation Overlay Zone. No public roadway shall be used for queuing of vehicles.

- (c) All traffic areas, including entrances and exits, within the area of operation shall be graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled.
- (d) Large permanent, industrial grinders of less than 350 horsepower and curtain burners shall be located three hundred feet (300') or more away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. Large permanent grinders of 350 horsepower or greater shall be placed five hundred feet (500') or more from any residence with the exception of the owner's or applicant's own residential dwelling. All other permanent screeners or similar equipment shall be located at least one hundred feet (100') away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. All grinders, screeners, or similar equipment shall be located at least one hundred feet (100') away from the owner's or applicant's own residential dwelling. The site plan must include a footprint demonstrating where the equipment will be located in relation to dwellings located on adjoining properties.
- (e) Any permanent grinder, screener, or similar equipment must be set back at least fifty feet (50') from the property lines, except in the Transportation Overlay Zone. Any mulch, dirt, wood waste, or other similar material stored on the property must be located at least fifty feet (50') from any property or road right-of-way lines.
- (f) No grinders, screeners, loaders, dozers, or other similar equipment shall be operated at the site except between 7:00 a.m. and 9:00 p.m. Monday through Saturday. The Board of Adjustment may, where such action is supported by substantial evidence presented to the Board, approve hours of operation other than those set forth above. In the event that a state of emergency has been declared for Brunswick County and/or a natural disaster occurs, extension of the hours of operation for Wood Waste Grinding Operations shall be permissible for a period of time not to exceed ninety (90) days. Natural disasters calling for the necessity of extended Wood Waste Grinding Operation hours may include hurricanes, floods, tornadoes, nor'easters, thunderstorms, severe winter storms, wildfires, earthquakes, and landslides. Natural disasters and/or declared state of emergencies not resulting in the need for the assistance of Wood Waste Grinding Operations shall not prompt an extension in the hours of operation for Wood Waste Grinding Operations.
- (g) Buffering and landscaping requirements shall be in accordance with Article 6 Section 6.3 Buffering and Landscaping Requirements for Berms and for Yards in which Buffers are Required.

- (h) The grinding operation must comply with any applicable regulations enforced by the North Carolina Department of Environment and Natural Resources. These include, but may not be limited to, those laws under the Divisions of Waste Management and Air Quality and any other local applicable regulations. Copies of all materials submitted to the State either as part of a notification or a permit application shall be submitted to the County Planning Department. Rev. 06/02/03

(E) Special Exceptions Permissible By The Planning Board.

- (1) Campgrounds.
- (2) Manufactured Home Parks.

(F) Prohibited Uses And Structures.

- (1) Class D Manufactured Homes.
- (2) Any use not listed as a Permitted Use, as an Accessory Use, or as a Permissible Use.

(G) Minimum Lot Requirements: (Area And Width).

Per Dwelling Unit:

Lot area – 15,000 square feet.
Lot width – 75 feet.

All Other Uses Excepting Bona Fide Farms:

Lot Area – 1 acre.
Lot Width – 200 feet.

Bona Fide Farms:

Exempt.

Public Educational Facilities:

Lot width – Minimum standards as set by the State Board of Education, but not less than 300 feet.

Lot area – Minimum standards as set by the State Board of Education, but not less than 5 acres.

Private Educational Facilities:

Lot width – Minimum standards as set by appropriate state authorities, but not less than 200 feet.

Lot area – Minimum standards as set by appropriate state authorities, but not less than 2 acres.

(H) Minimum Yard Requirements: (Depth Of Front And Rear Yards, Width Of Side Yard).

Front Yards – 50 feet.

Rear Yards – 50 feet.

Side Yards – 20 feet.

For parcels of record of less than one acre, front yard setback is twenty-five feet (25'), side yard setback is ten feet (10'), and rear yard setback is twenty-five (25').

Section 4.2. R-7500: Low Density Residential.

(A) Description: Intent.

Basically low density single family residential areas providing other required attributes of a neighborhood.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Ordinance.

- (1) Bed and Breakfast Houses.
- (2) Bona Fide Farms.
- (3) Churches.
- (4) Educational Facilities.
- (5) Family Care Homes.
- (6) Golf Courses.
- (7) Public parks, Playgrounds, Playfields and Community Centers.
- (8) Public and Semi-public Facilities.
- (9) Single Family Dwellings, Modular Dwellings, and Class A Manufactured Dwellings.

(C) Permitted Accessory Uses And Structures.

Uses and structures which: 1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; 2) do not involve the conduct of a business; and 3) are not of a nature prohibited under "Prohibited Uses and Structures".

Non-commercial docks and boat houses. Home occupations, provided such uses meet the requirements stipulated for home occupations and not more than one occupation-related vehicle (to be screened from the street and residential properties and parked off the street over night), which will weigh not more than two and one-half tons gross weight, is permitted for the home occupation.

Temporary structures and operations in connection with, and on the site of, building or land preparations developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of

equipment and building materials; provided a Certificate of Occupancy shall have been issued thereof.

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Adult Day Care/Health Services.
- (2) Cemeteries.
- (3) Day Care Facilities.
- (4) Government Offices and Buildings.
- (5) Group Care Homes.
- (6) Nursing Home Facilities.
- (7) Private Clubs.
- (8) Private Stables.
- (9) Retail sale of produce grown on the premises.
- (10) Sewer and Wastewater Treatment Plants and Facilities.

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(E) Special Exceptions Permissible By The Planning Board.

Planned Unit Developments.

All forms of innovative land usage for residential developments such as single-family cluster subdivisions, townhouses, multi-family dwellings, retirement complexes, patio lots, as long as the overall density, of land used for residential structure coverage ("foot print") and for amenities of perpetually assured open space provide not more than one dwelling unit or residency room per 7,500 square feet of land when public or community water and sewer service is available, or 15,000 square feet where either or both public or community water or sewer service is not available. Accessory commercial and medical services intended primarily for residents are permissible.

The intent of permitting such innovative developments is to encourage a higher quality of development than it may be possible to achieve by use of a particular tract of land for a traditional detached single family house subdivision.

In all cases, adequate external buffering shall be provided by much larger setbacks of structures and uses such as active recreational areas, swimming pools, ancillary structures, trafficways, parking, and all other use of the land than green open space, possibly combined water bodies as long as they do not have a utilitarian function. In no

case shall any structure or pavement or sign be located closer than 25' to any property line.

Adequate instruments to go of record to the benefit of all persons who buy or rent in the proposed development have to be filed and are subject to the same scrutiny and judgment as the site and structural and landscape plans.

(F) Prohibited Uses And Structures.

- (1) Any use not listed as a Permitted Use, as an Accessory Use, or as a Permissible Use.
- (2) Classes B, C, and D manufactured dwellings.
- (3) Garage apartments.
- (4) The parking or storage of any vehicle with a wheelbase greater than one hundred thirty-five inches (135") or with Gross Vehicle Weight Rating (GVWR) greater than fourteen thousand pounds (14,000 lbs.), excepting for privately owned non-commercial vehicles used for recreation.

(G) Minimum Lot Requirements (Area And Width).

Per Dwelling Unit:

WITH WATER AND SEWER:

Lot area – 7,500 square feet

Lot width – 75 feet

WITHOUT WATER AND SEWER:

Lot area – 15,000 square feet

Lot width – 75 feet

Bona Fide Farms:

Exempt.

Other Structures and Uses:

Churches:

Lot area – 1 acre

Lot width – 200 feet

Public Educational Facilities:

Lot width – Minimum standards as set by the State Board of Education, but not less than 300 feet.

Lot area – Minimum standards as set by the State Board of Education, but not less than 5 acres.

Private Educational Facilities:

Lot width – Minimum standards as set by appropriate state authorities, but not less than 200 feet.

Lot area – Minimum standards as set by appropriate state authorities, but not less than 2 acres.

Community and Municipal Buildings other than Schools and other Public and Semi-public Uses:

Lot area – 1 acre

Lot width – 200 feet

Private Clubs:

Lot area – 10 acres

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).

Single Family Dwellings:

Front yards – 25 feet

Rear yards – 9 feet

Side yards – 5 feet

15 feet adjacent to street. On lots of record of 60 feet or less in width, interior side yard shall be 5 feet; street side yard on corner lot 12 feet.

Other Structures and Uses: Churches

Front yards – 25 feet

Rear yards – 25 feet

Side yards – 10 feet

No other use than off-street parking shall be located in any yard of a church which adjoins a residentially zoned lot.

Private Clubs:

50 feet on all sides.

Section 4.3. R-6000: Medium Density Residential.

(A) Description: Intent.

Single family residential areas of mixed conventional construction, manufactured homes, and modular housing units including combination thereof, of the same general character as R-7500 but with somewhat smaller minimum lots and yards, and a corresponding increase in housing unit and population density.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in the Ordinance.

- (1) Bed and Breakfast Houses.
- (2) Bona Fide Farms.
- (3) Churches.
- (4) Duplexes.
- (5) Educational Facilities.
- (6) Family Care Homes.
- (7) Golf Courses.
- (8) Public parks, Playgrounds, Playfields and Community Centers.
- (9) Public and Semi-public Facilities.
- (10) Single Family Dwellings, Modular Dwellings, Class A, B and C Manufactured Dwellings.

(C) Permitted Accessory Uses And Structures.

Uses and structures which: 1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; 2) do not involve the conduct of a business; and 3) are not of a nature prohibited under "Prohibited Uses and Structures".

Non-commercial docks and boat houses. Home occupations, provided such uses meet the requirements stipulated for home occupations and not more than one occupation-related vehicle (to be screened from the street and residential properties and parked off the street over night), which will weigh not more than two and one-half tons gross weight, is permitted for the home occupation.

Temporary structures and operations in connection with, and on the site of, building or land preparations developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of

equipment and building materials; provided a Certificate of Occupancy shall have been issued thereof.

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Adult Day Care/Health Services.
- (2) Cemeteries.
- (3) Day Care Facilities.
- (4) Government Offices and Buildings.
- (5) Group Care Homes.
- (6) Nursing Home Facilities.
- (7) Private Clubs.
- (8) Private Stables.
- (9) Retail sale of produce grown on the premises.
- (10) Sewer and Wastewater Treatment Plants and Facilities.

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(E) Special Exceptions Permissible By The Planning Board.

- (1) Manufactured Home Parks.
- (2) Planned Unit Developments.

All forms of innovative land usage for residential developments such as single-family cluster subdivisions, townhouses, multi-family dwellings, retirement complexes, patio lots as long as overall density of land used for residential structure coverage ("foot print") and for amenities of perpetually assured open space provide not more than one dwelling unit or residency room per 6,000 square feet of land when public or community water and sewer service is available, or 10,000 square feet where either or both public or community water or sewer is not available. Accessory commercial and medical services intended primarily for residents are permissible.

The intent of permitting such innovative developments is to encourage a higher quality of development than it may be possible to achieve by use of a particular tract of land for a traditional detached single family house subdivision.

In all cases, adequate external buffering shall be provided by much larger setbacks of structures and uses such as active recreational areas, swimming

pools, ancillary structures, trafficways, parking, and all other use of the land than green open space. In no case shall any structure or pavement or sign be located closer than 25' to any property line.

Adequate instruments to go of record to the benefit of all persons who buy or rent in the proposed development have to be filed and are subject to the same scrutiny and judgment as the site and structural and landscape plans.

(F) Prohibited Uses And Structures.

- (1) All uses and structures not of a nature specifically or provisionally permitted herein.
- (2) Class D manufactured dwellings.

(G) Minimum Lot Requirements (Area And Width).

Per Dwelling Unit:

WITH WATER AND SEWER:

Lot area – 6,000 square feet

Lot width – 60 feet

WITHOUT WATER AND SEWER:

Lot area – 10,000 square feet

Lot width – 60 feet

Other Structures and Uses:

Churches:

Lot area – 1 acre

Lot width – 200 feet

Public Educational Facilities:

Lot width – Minimum standards as set by the State Board of Education, but not less than 300 feet.

Lot area – Minimum standards as set by the State Board of Education, but not less than 5 acres.

Private Educational Facilities:

Lot width – Minimum standards as set by appropriate state authorities, but not less than 200 feet.

Lot area – Minimum standards as set by appropriate state authorities, but not less than 2 acres.

Community and Municipal Buildings other than Schools and other Public and Semi-public Uses:

Lot area – 1 acre
Lot width – 200 feet

Private Clubs:

Lot area – 10 acres

Bona Fide Farms:

Exempt.

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).

Single Dwelling Unit:

Front yards – 25 feet
Rear yards – 9 feet
Side yards – 5 feet

15 feet adjacent to street. On lots of record of 60 feet or less in width, interior side yard shall be 5 feet; street side yard on corner lot 12 feet.

Other Structures and Uses: Churches

Front yards – 25 feet
Rear yards – 25 feet
Side yards – 10 feet

No other use than off-street parking shall be located in any yard of a church which adjoins a residentially zoned lot.

Private Clubs:

50 feet on all sides.

Section 4.4. SBR: Site Built R-6000.

(A) Description: Intent.

This district is established for single family site built dwellings. In promoting the general purpose of this Ordinance, the specific intent of the district is:

To encourage the construction of and the continued use of the land for single family dwellings; To prohibit commercial and industrial use of the land and to prohibit any other use which would substantially interfere with development of single family dwellings.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Ordinance.

- (1) Churches.
- (2) Educational Facilities.
- (3) Family Care Homes.
- (4) Golf Courses.
- (5) Public parks, Playgrounds, Playfields and Community Centers.
- (6) Public and Semi-public Facilities.
- (7) Single family dwellings including modular dwellings.

(C) Permitted Accessory Uses And Structures.

- (1) Use and structures which: 1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; 2) do not involve the conduct of a business; and 3) are not of a nature prohibited under "Prohibited Uses and Structures".
- (2) Non-commercial docks and boat houses. Home occupations.
- (3) Temporary structures and operations in connection with, and on the site of, building or land preparations developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of equipment and building materials; provided a Certificate of Occupancy shall have been issued thereof.

(D) Special Exceptions Permissible By Board Of Adjustment.

- (1) Adult Day Care/Health Services.

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- (2) Cemeteries.
- (3) Day Care Facility.
- (4) Government Offices and Buildings.
- (5) Retail sale of produce grown on premises.
- (6) Sewer and Wastewater Treatment Plants and Facilities.

(E) Special Exceptions Permissible By The Planning Board.

Planned Unit Developments.

All forms of innovative land usage for residential developments such as single-family cluster subdivisions, townhouses, multi-family dwellings, retirement complexes, patio lots, as long as overall density, of land used for residential structure coverage ("foot print") and for amenities of perpetually assured open space provide not more than one dwelling unit or residency room per 6,000 square feet of land when public or community water and sewer service is available, or 10,000 square feet where either or both public or community water or sewer service is not available. Accessory commercial and medical services intended primarily for residents are permissible.

The intent of permitting such innovative developments is to encourage a higher quality of development than it may be possible to achieve by use of a particular tract of land for a traditional detached single family house subdivision.

In all cases, adequate external buffering shall be provided by much larger setbacks of structures and uses such as active recreational areas, swimming pools, ancillary structures, trafficways, parking, and all other use of the land than green open space, possibly combined water bodies as long as they do not have a utilitarian function. In no case shall any structure or pavement or sign be located closer than 25' to any property line.

Adequate instruments to go of record to the benefit of all persons who buy or rent in the proposed development have to be filed and are subject to the same scrutiny and judgment as the site and structural and landscape plans.

(F) Prohibited Uses And Structures.

- (1) Any use not listed as a Permitted Use, as an Accessory Use, or as a Permissible Use.
- (2) Classes A, B, C, and D manufactured dwellings and sectionalized homes.
- (3) Garage apartments.

(G) Minimum Lot Requirements (Area And Width).

Per Dwelling Unit:

WITH WATER AND SEWER:

Lot area – 6,000 square feet

Lot width – 60 feet

WITHOUT WATER AND SEWER:

Lot area – 10,000 square feet

Lot width – 60 feet

Other Structures and Uses:

Churches:

Lot area – 1 acre

Lot width – 200 feet

Except that existing churches can be expanded on lots of no less than one (1) acre and a minimum lot width of one hundred twenty (120) feet provided minimum off-street parking requirements are met in the entire development.

Public Educational Facilities:

Lot width – Minimum standards as set by the State Board of Education, but not less than 300 feet.

Lot area – Minimum standards as set by the State Board of Education, but not less than 5 acres.

Private Educational Facilities:

Lot width – Minimum standards as set by appropriate state authorities, but not less than 200 feet.

Lot area – Minimum standards as set by appropriate state authorities, but not less than 2 acres.

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).

Single Family Dwellings:

Front yards – 25 feet

Rear yards – 9 feet

Side yards – 5 feet

15 feet adjacent to street. On lots of record of 60 feet or less in width, interior side yard shall be 6 feet; street side yard on corner lot 12 feet.

Other Structures and Uses: Churches:

Front and rear yards – 25 feet

Side yards – 10 feet

No other use than off-street parking shall be located in any yard of a church which adjoins a residentially zoned lot.

Section 4.5. R-10,000: Low Density Residential.

(A) Description: Intent.

This District is established for single family dwellings. In promoting the general purpose of this Ordinance, the specific intent of the district is:

To encourage the construction of and the continued use of the land for single family dwellings. Basically low density single family residential areas providing other required attributes of a neighborhood.

(B) Permitted Principal Use And Structures.

Subject to provisions and restrictions contained here and elsewhere in this Ordinance.

- (1) Churches.
- (2) Educational Facilities.
- (3) Family Care Homes.
- (4) Golf Courses.
- (5) Public parks, Playgrounds, Playfields and Community Centers.
- (6) Public and Semi-public Facilities.
- (7) Single-family residence and modular dwellings.

(C) Permitted Accessory Uses And Structures.

- (1) Uses and structures which: 1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; 2) do not involve the conduct of a business; and 3) are not of a nature prohibited under "Prohibited Uses and Structures".
- (2) Non-commercial docks and boat houses. Home occupations, provided such uses meet the requirements stipulated for home occupations and not more than two (2) occupation-related vehicles.
- (3) Temporary structures and operations in connection with, and on the site of, building or land preparation developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of equipment and building materials, provided a Certificate of Occupancy shall have been issued thereof.

(D) Special Exceptions Permissible By Board Of Adjustment.

- (1) Adult Day Care/Health Services.
- (2) Cemeteries.
- (3) Day Care Facility.
- (4) Government Offices and Buildings.

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(E) Special Exceptions Permissible By The Planning Board.

Planned Unit Developments.

All forms of innovative land usage for residential developments such as single-family cluster subdivisions, townhouses, multi-family dwellings, retirement complexes, patio lots, as long as overall density, of land used for residential structure coverage ("foot print") and for amenities of perpetually assured open space provide not more than one dwelling unit or residency room per 10,000 square feet of land when public or community water and sewer service is available, or 20,000 square feet where either or both public or community water or sewer service is not available. Accessory commercial and medical services intended primarily for residents are permissible.

The intent of permitting such innovative developments is to encourage a higher quality of development than it may be possible to achieve by use of a particular tract of land for a traditional detached single family house subdivision.

In all cases, adequate external buffering shall be provided by much larger setbacks of structures and uses such as active recreational areas, swimming pools, ancillary structures, trafficways, parking, and all other use of the land than green open space, possibly combined water bodies as long as they do not have a utilitarian function. In no case shall any structure or pavement or sign be located closer than 25' to any property line.

Adequate instruments to go of record to the benefit of all persons who buy or rent in the proposed development have to be filed and are subject to the same scrutiny and judgment as the site and structural and landscape plans.

(F) Prohibited Uses And Structures.

- (1) Any use not listed as a Permitted Use, as an Accessory Use, or as a Permissible Use.
- (2) Classes A, B, C, and D manufactured dwellings.
- (3) Garage apartments.

(G) Minimum Lot Requirements (Area And Width).

Per Dwelling Unit:

WITH WATER AND SEWER:

Lot area – 10,000 square feet

Lot width – Average

WITHOUT WATER AND SEWER:

Lot area – 20,000 square feet

Lot width – Average

Other Structures and Uses:

Churches:

Lot area – 1 acre

Lot width – 200 feet

Except that existing churches can be expanded on lots of no less than one acre and a minimum lot width of 120 feet provided minimum off-street parking requirements are met in the entire development.

Public Educational Facilities:

Lot area – Minimum standards as set by the State Board of Education, but not less than 5 acres.

Lot width – Minimum standards as set by the State Board of Education, but not less than 300 feet.

Private Educational Facilities:

Lot area – Minimum standards as set by appropriate state authorities, but not less than 2 acres.

Lot width – Minimum standards as set by appropriate state authorities, but not less than 200 feet.

Government and Community Buildings, Public and Semi-Public Uses:

Lot area – 1 acre

Lot width – 200 feet

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).

Single Family Dwellings:

Front yard – 25 feet

Rear yard – 20 feet

Side yard – 10 feet

15 feet adjacent to street.

Other Principal Uses and Structures: Churches:

Front yard – 25 feet

Rear yard – 25 feet

Side yard – 10 feet

No other use than off-street parking shall be located in any yard which adjoins a residentially zoned lot.

Section 4.6. MR 3200: Multifamily Residential District.

(A) Description: Intent.

This district is established as an area in which the principal use of the land is for high density residential purposes, not to exceed fourteen dwelling units per acre. The district also provides for the development of less intensive residential uses, as well as for compatible supporting uses.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Ordinance.

- (1) Churches.
- (2) Duplexes, Triplexes or other Multi-family Structures.
- (3) Golf Courses.
- (4) Family Care Homes.
- (5) Public parks, Playgrounds, Playfields, and Community Centers.
- (6) Public and Semi-Public Facilities.

(C) Permitted Accessory Uses And Structures.

Uses and structures which: (1) are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures; (2) do not involve the conduct of a business; and (3) are not of a nature prohibited under "Prohibited Uses and Structures".

One on-premise management/sales/maintenance office unit.

Temporary structures and operations in connection with, and on the site of, building or land preparations developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of equipment and building materials; provided a Certificate of Occupancy shall have been issued thereof.

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Adult Day Care/Health Services.
- (2) Cemeteries and Funeral Homes.
- (3) Day Care Facility.

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- (4) Government Offices and Buildings.
- (E) Special Exceptions Permissible By The Planning Board.
None.
- (F) Prohibited Uses And Structures.
- (1) Classes A, B, C, and D manufactured dwellings.
- (2) Garage apartments.
- (3) Single Family Dwellings.
- (G) Minimum Lot Requirements (Area And Width).
Per Dwelling Unit:
WITH WATER AND SEWER:
Lot area – 3,200 square feet.
Lot width – 50 feet.

WITHOUT WATER AND SEWER:
Lot area – 7,000 square feet.
Lot width – 70 feet.

Other Structures and Uses:
Lot area – 15,000 square feet.
Lot width – 100 feet.
- (H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).
Multi-Family Dwellings:
Front yards – 25 feet.
Rear yards – 20 feet.
Side yards – 6 feet.
15 feet adjacent to street.

Other Structures and Uses:
Front yards – 25 feet.
Rear yards – 25 feet.
Side yards – 10 feet.

Section 4.7. C-LD: Commercial Low-Density.

(A) Description: Intent.

Districts in this category are intended primarily to be located in outlying areas, adjacent to major thoroughfare, with yards and other provisions for reducing conflicts with adjacent residential uses, and with substantial setbacks to reduce marginal friction on adjacent major thoroughfare. These districts will 1) serve requirements of residential neighborhoods for commercial facilities and 2) serve requirements of highway oriented tourist business.

(B) Permitted Principal Uses And Structures

Subject to provisions or restrictions contained here and elsewhere in this Chapter.

- (1) Adult Day Care/Health Services. Rev. 12/01/03
- (2) Agri-Business.
- (3) Arboretums/Botanical Garden.
- (4) Audio, Video Production and Distribution Facilities.
- (5) Bed and Breakfast Houses.
- (6) Boarding houses.
- (7) Bona Fide Farms.
- (8) Bowling Alleys.
- (9) Churches.
- (10) Commercial Boating Facilities.
- (11) Craft and woodworking shops, antique shops and similar crafts involving no outside processing, compounding treatment or excessive infrastructure.
- (12) Day Care Facilities.
- (13) Educational Facilities.
- (14) Family Care Homes.
- (15) Financial Institutions.
- (16) Funeral Homes.
- (17) Funeral Homes with Crematorium.
- (18) Golf Courses.

- (19) Golf Driving Ranges.
- (20) Government Offices and Buildings.
- (21) Hospitals.
- (22) Hotels and motels.
- (23) Indoor Theater and Auditoriums.
- (24) Landscaping and Horticultural Services.
- (25) Martial Arts Instructional Schools.
- (26) Mini-storage, RV/Camper and Boat Storage Facilities.
- (27) Nurseries.
- (28) Nursing Home Facilities.
- (29) Outdoor Advertising Structures.
- (30) Parking Garage/Commercial Parking Lot.
- (31) Performing Arts Studios.
- (32) Personal Service Establishments.
- (33) Private Clubs.
- (34) Professional Offices/Studios.
- (35) Public parks, Playgrounds, Playfields and Community Centers.
- (36) Public and Semi-public Facilities.
- (37) Research Facilities.
- (38) Restaurants.
- (39) Retail sale of produce grown on premises.
- (40) Retail sales less than or equal to 10,000 square feet.
- (41) Retail sales more than 10,000 square feet.
- (42) Single Family Dwellings, Modular Dwellings and Class A, B and C Manufactured Dwellings.
- (43) Skating Rinks.
- (44) Veterinary Establishments.

(C) Permitted Accessory Uses And Structures.

- (1) Home Occupations.
- (2) One on-premise attached or detached dwelling unit for occupancy by the owner, lessors, managers, watchmen, or custodians in connection with the operation of any permitted or permissible use. The accessory uses must adhere to the following requirements:
 - (a) The dwelling unit shall be occupied solely by the person engaged in the principal use (owner, lessor, manager, watchman, or custodian), or their family members residing with them;
 - (b) The building shall meet the minimum setback requirements of the C-LD Zone;
 - (c) The amount of floor area for the attached dwelling unit shall be not more than fifty percent (50%) of the total floor area of the principal use;
 - (d) The attached dwelling unit shall be located totally above the ground floor or totally to the rear of the principal use so as not to interrupt the commercial low density frontage;
 - (e) In addition to the required off-street parking for the principal use, two (2) off-street parking spaces shall be provided for the dwelling unit.
- (3) Uses and structures which are customarily accessory to and clearly incidental to permitted and permissible uses and structures, and are not of a nature prohibited under "Prohibited Uses and Structures".
- (4) Temporary structures and operations in connection with, and on the site of, building or land preparation developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of equipment and building materials; provided a Certificate of Occupancy shall have been issued therefor.

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Cemeteries.
- (2) Commercial Recreation Facilities.

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- (3) Emergency Shelter, with the following minimum requirements: **Rev. 10/04/04**
- (a) Location Consideration.
 - (i) Shall be no closer than one-half (1/2) mile radius from any existing and /or permitted Emergency Shelter, Group Home, or Family Care Home. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located.
 - (b) Shelter Management.
 - (i) Temporary shelter shall be available to residents for no more than six (6) months.
 - (ii) Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - (iii) The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment of programs for residents.
 - (iv) Each Emergency Shelter must indicate as part of the written management plan how the following services will be provided (if applicable):
 - (a) Food service.
 - (b) Job counseling.
 - (c) Alcohol and drug addiction screening and counseling.
 - (d) Domestic abuse counseling.
 - (e) Health Care.
 - (f) Mental Health Care.
 - (g) Case Management.
 - (h) Transportation
 - (i) Safety Plan.
 - (c) Development Standards.
 - (i) Common Facilities. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - (a) Central cooking and dining room(s).
 - (b) Recreation room.
 - (c) Counseling center.
 - (d) Childcare facilities.
 - (e) Other support services.

- (ii) Security. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
 - (iii) External Lighting. Any lighting shall be internally oriented and shall not exceed forty feet (40') in height in commercially zoned areas and thirty feet (30') in height in residentially zoned areas.
 - (iv) Recreational Areas. Emergency shelters should provide for recreational areas outside of the shelter. If families are housed in the shelter, a play area for children should be provided.
 - (v) Outdoor Activity. For the proposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.
 - (vi) Unit Density. Minimum of two hundred (200) gross square feet per person.
 - (vii) Hours of Operation. Emergency shelters shall remain open 24 hours per day.
 - (viii) Separation of Clients. Emergency shelters shall provide for separation of families from individuals and special needs clients.
 - (ix) Buffering. Buffering shall be consistent with the requirements outlined in Section 6.3. of the Brunswick County Zoning Ordinance. No activities shall occur in the buffer area except for maintenance of the buffer and the installation of water, sewer, electrical and other utility systems.
 - (x) Off-Street Parking. Off-street parking shall be in accordance with Article 5 Section 5 Off-Street Parking and Loading Spaces.
- (4) Garage service and/or Automobile repair.
 - (5) Group Care Homes.
 - (6) Kennel.
 - (7) Manufactured and Modular Home Sales Lots.
 - (a) On site sales office must be in operation within 180 days of the date of the Special Exception or the Special Exception becomes null and void.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (c) Storage and repair area(s) shall be screened from view. Replacement or discarded parts and accessories shall also be screened from view.
 - (d) Shall conform to sign regulations of the zoning district in which the use is located. In addition, each display home may have an informational sign

- not to exceed 3 square feet in area, directly adjacent to the home, which gives information about the home.
- (e) Display homes shall maintain a minimum separation of at least 10 feet between each home. Display homes shall be leveled and blocked. Display homes, which are visible from the street right-of-way, shall be provided with some type of material and/or landscaping around the base which will prevent open views underneath the display home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
 - (f) The property owner is responsible for the removal of any vestige upon cessation of the business, including signage. Per GS 153A-140, should the property owner decline removal, such situations may be declared a "public nuisance".
- (8) Outdoor Sales or Display Areas, other than Manufactured and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals.
- (a) The outdoor display area shall be located on the same property as the primary sales or rental area and shall be shown on an approved site plan.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (c) The merchandise shall not be located in any required yard.
 - (d) The area displaying the merchandise must be screened or buffered from any adjoining residential use or zone.
 - (e) Permanent display shall not block sidewalks or parking areas, and may not impede vehicular or pedestrian traffic.
- (9) Private organizations operating as nude campgrounds, colonies, resorts, or similar facilities, with the following minimum requirements:
- (a) Must meet all applicable county and state regulations including but not limited to, Campground, Manufactured Home Park and PUD ordinances.
 - (b) Must operate as private organization with no access by the general public. Only members or guest of members may be permitted on site.
 - (c) Must provide adequate visual and noise screening and/or buffering.
 - (d) No part of any facility or structure shall be:

- (i) located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
 - (ii) located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.
 - (iii) located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
 - (iv) located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
 - (v) located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - (vi) located within fifteen hundred feet (1,500') of any publicly owned or operated facility.
- (10) Repair, remodeling, and renovating of farm vehicles and equipment.
- (11) Seafood Processing.
- (12) Sewer and Wastewater Treatment Plants and Facilities.
- (13) Vehicle and Heavy Equipment Sales and Rentals.
 - (a) Junked or inoperable vehicles/heavy equipment shall not be on the premises unless such is within an enclosed building or screened area.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
- (14) Warehousing and Storage.

(E) Special Exceptions Permissible By The Planning Board.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Planning Board may permit:

- (1) Campgrounds.
- (2) Manufactured Home Parks.
- (3) Mixed Use Development with both Commercial and Residential Uses in the same structure.
 - (a) Residential use in conjunction with Personal Service Establishments, Professional Offices/Studios, Performing Arts Studios or Retail Sales less than 10,000 square feet only.
 - (b) Residential use located above ground only.
 - (c) Ingress and egress provided from the ground level.
 - (d) No on-premise licensing for alcoholic beverages.
 - (e) Parking will be based on both residential and commercial development design standards.
 - (f) Meet commercial and applicable buffering requirements. Rev. 12/01/03
- (4) Planned Groups of Structures.
- (5) Planned Unit Developments.

All forms of innovative land usage for residential developments such as single-family cluster subdivisions, townhouses, multi-family dwellings, retirement complexes, patio lots as long as the overall density, of land used for residential structure coverage ("foot print") and for amenities of perpetually assured open space provide not more than one dwelling unit or residency room per 7,500 square feet of land when public or community water and sewer service is available, or 15,000 square feet where either or both public or community water or sewer service is not available. Accessory commercial and medical services intended primarily for residents are permissible.

The intent of permitting such innovative developments is to encourage a higher quality of development than it may be possible to achieve by use of a particular tract of land for a traditional detached single family house subdivision.

In all cases, adequate external buffering shall be provided by much larger setbacks of structures and uses such as active recreational areas, swimming pools, ancillary structures, trafficways, parking, and all other use of the land than

green open space. In no case shall any structure or pavement or sign be located closer than twenty-five feet (25') to any property line.

Adequate instruments to go of record to the benefit of all persons who buy or rent in the proposed development have to be filed and are subject to the same scrutiny and judgement as the site and structural and landscape plans.

(F) Prohibited Uses And Structures.

- (1) All uses and structures not of a nature specifically or provisionally permitted herein.
- (2) Any use which fails to meet the performance standards of the C-LD District.
- (3) Class D manufactured dwellings.
- (4) Dwelling units, except as provided under Accessory Uses and Permissible Uses.
- (5) Truck terminals with storage warehouses and storage yards.

(G) Minimum Lot Requirements (Area And Width).

Retail Stores, Sales and Display Rooms and Shops; Banks and Financial Institutions; Eating and Drinking Establishments; Hotels and Motels;

Commercial Recreational Structures and Uses; Clinics and Laboratories;

WITH WATER AND SEWER:

Lot area – No minimum square footage required.

Lot width – 75 feet.

WITHOUT WATER AND SEWER:

Lot area – 10,000 square feet.

Lot width – 75 feet.

Hospitals; Nursing Homes; Domiciliary Homes; Private Clubs; Mortuaries; Churches;

WITH WATER AND SEWER:

Lot area – No minimum square footage required.

Lot width – 150 feet.

WITHOUT WATER AND SEWER:

Lot area – 15,000 square feet.

Lot width – 150 feet.

Offices and Studios; Personal Service Establishments; Vocational Schools:

WITH WATER AND SEWER:

Lot area – No minimum square footage required.

Lot width – No minimum lot width.

WITHOUT WATER AND SEWER:

Lot area – 7,500 square feet required.

Lot width – 50 feet.

Mixed-use Residential and Commercial Development on a Single Lot:

WITH WATER AND SEWER:

Lot area – No minimum square footage required.

Lot width – 100 feet.

WITHOUT WATER AND SEWER:

Lot area – 15,000 square feet.

Lot width – 150 feet.

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Public Schools:

Lot area – 5 acres.

Lot width – 300 feet.

Bona Fide Farms:

Exempt.

Single Family Residences, Modular Homes, and Class A, B, and C Manufactured Homes:

WITH WATER AND SEWER:

Lot area – 6, 000 square feet.

Lot width – 60 feet.

WITHOUT WATER AND SEWER:

Lot area – 10,000 square feet.

Lot width – 60 feet.

All Other Permitted Uses:

WITH WATER AND SEWER:

Lot area – 7,500 square feet.

Lot width – 150 feet.

WITHOUT WATER AND SEWER:

Lot area – 15,000 square feet.

Lot width – 150 feet.

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yards).

Special Provisions and Restrictions:

Required front, rear, and side yards abutting streets may be used for parking shelters and lighting devices, provided that visibility across a required front yard or side yard abutting a street shall not be impeded between the heights of 3 feet and 8 feet, and provided further, no signs shall be permitted in any required yard. Where this District borders a Residential District, including across streets, walls shall be provided so that no lights from automotive or other sources on commercial premises shall shine into windows in the Residential District, and no rear or side service areas on commercial premises shall be visible from the ground within Residential Districts. No structure (excluding fences or walls) shall be erected nearer than six feet to any Residential District boundary.

Mixed Use Residential and Commercial Development on a Single Lot And All Uses Except Single Family Residences, Modular Homes, Class A, B, and C Manufactured Homes: Rev. 12/01/03

Front yards – 25 feet

Rear yards – 10 feet provided that in the case of reversed frontage lots, a 6 foot rear yard shall be left adjacent to the side lot line of adjoining property.

Side yards – 6 feet on sides of lots adjacent to streets, 25 feet.

Single family residences, modular homes, Class A, B, and C Manufactured Homes:

Front yards – 25 feet

Rear yards – 6 feet.

Side yards – 5 feet

15 feet adjacent to street. On lots of record of 60 feet or less in width, interior side yards shall be 5 feet; street side yard on a corner lot 12 feet.

Section 4.8. C-M Commercial-Manufacturing.

(A) Description: Intent.

Land uses over which this District is to be applied require close access to major highways.

Lands in this District are for uses including those which are necessary in order to service commercial and heavier industrial Districts, such as warehousing, storage, moving, service and repair, distribution, wholesaling, marketing of specialty goods and light manufacturing plants.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Ordinance.

- (1) Agri-Business.
- (2) Agricultural Industry.
- (3) Arboretums/Botanical Garden.
- (4) Audio, Video Production and Distribution Facilities.
- (5) Bona Fide Farms.
- (6) Churches.
- (7) Commercial Recreation Facilities.
- (8) Freight Handling Facilities.
- (9) Garage Service and/or Automobile Repair.
- (10) Government Office and Buildings.
- (11) Hospitals.
- (12) Hotels and motels.
- (13) Light Manufacturing Uses.
- (14) Manufactured and Modular Home Sales Lots.
 - (a) On site sales office must be in operation at such time as homes are placed on the sales lot.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (c) Storage and repair area(s) shall be screened from view. Replacement or discarded parts and accessories shall also be screened from view.

- (d) Shall conform to sign regulations of the zoning district in which the use is located. In addition, each display home may have an informational sign not to exceed 3 square feet in area, directly adjacent to the home, which gives information about the home.
 - (e) Display homes shall maintain a minimum separation of at least 10 feet between each home. Display homes shall be leveled and blocked. Display homes, which are visible from the street right-of-way, shall be provided with some type of material and/or landscaping around the base which will prevent open views underneath the display home. Access to the display homes shall be through a stairway or other means that has a permanent appearance.
 - (f) The property owner is responsible for the removal of any vestige upon cessation of the business, including signage. Per GS 153A-140, should the property owner decline removal, such situations may be declared a "public nuisance".
- (15) Mini storage, RV/Camper and Boat Storage Facilities.
- (16) Outdoor Advertising Structures.
- (17) Outdoor Sales or Display Areas, other than Manufactured and Modular Home Sales Lots, and Vehicle and Heavy Equipment Sales and Rentals.
 - (a) The outdoor display area shall be located on the same property as the primary sales or rental area and shall be shown on an approved site plan.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (c) The merchandise shall not be located in any required yard.
 - (d) The area displaying the merchandise must be screened or buffered from any adjoining residential use or zone.
 - (e) Permanent display shall not block sidewalks or parking areas, and may not impede vehicular or pedestrian traffic.
- (18) Parking Garage/Commercial Parking Lot.
- (19) Planing Mills.
- (20) Public parks, Playgrounds, Playfields and Community Centers.
- (21) Public and Semi-public Facilities.
- (22) Repair, remodeling, and renovating of farm vehicles and equipment.
- (23) Research Facilities.
- (24) Restaurants.
- (25) Sawmills.

- (26) Transportation Facilities.
 - (27) Vehicle and Heavy Equipment Sales and Rentals.
 - (a) Junked or inoperable vehicles/heavy equipment shall not be on the premises unless such is within an enclosed building or screened area.
 - (b) Landscaping and buffering must be in accordance with minimum requirements found in the Brunswick County Zoning Ordinance.
 - (28) Veterinary Establishments.
 - (29) Warehousing and Storage.
 - (30) Wholesale Sales and Services.
- (C) Permitted Accessory Uses And Structures.
- (1) Family Care Homes.
 - (2) One on-premise attached or detached dwelling unit for occupancy by the owner, lessors, managers, watchmen, or custodians in connection with the operation of any permitted or permissible use. The accessory uses must adhere to the following requirements:
 - (a) The dwelling unit shall be occupied solely by the person engaged in the principal use (owner, lessor, manager, watchman, or custodian), or their family members residing with them;
 - (b) The building shall meet the minimum setback requirements of the C-M Zone;
 - (c) The amount of floor area for the attached dwelling unit shall be not more than twenty-five percent (25%) of the total floor area of the principal use.
 - (d) The attached dwelling unit shall be located totally above the ground floor or totally to the rear of the principal use so as not to interrupt the commercial manufacturing frontage;
 - (e) In addition to the required off-street parking for the principal use, two (2) off-street parking spaces shall be provided for the dwelling unit.
 - (3) Single Family Dwellings, Modular Dwellings and Class A, B and C Manufactured Dwellings.

- (4) Temporary structures and operations in connection with, and on the site of, construction and land preparation activities; provided a Certificate of Occupancy shall have been issued therefor.
- (5) Uses and structures which are customarily accessory to and clearly incidental to permitted and permissible uses and structures, and are not of a nature prohibited under "Prohibited Uses and Structures".

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Educational Facilities.
- (2) Family Care Homes.
- (3) Financial Institutions.
- (4) Home Occupations.
- (5) Junkyard, with the following minimum requirements:

(a) **Fencing.**

- (i) Location. An opaque fence or wall shall be erected along the entire perimeter of the lot except for one point of ingress and egress, which shall not be over thirty feet (30') in width of opening of the wall, and over which space a gate of solid material shall be provided and closed during non-operating hours, or the lot be enclosed by fence with similar gate and the view on all sides be screened by natural objects grassed earthen berms, or heavy tree and shrubbery plantings. All business activity, including storage of vehicles or other materials, shall be conducted within the fence. Fencing requirements shall be one of the following:

- (a) Within Fifty Feet (50') of Right-of Way. An eight foot (8') solid fence is required if located within fifty feet (50') of the right-of-way boundary; or,
- (b) Outside Fifty Feet (50') from Right-of-Way. A six foot (6') high solid fence is required if located fifty feet (50') or more from the right-of-way boundary.

- (ii) Conditions. Such fencing shall meet the following conditions:

- (a) Construction. The fence shall be constructed of materials sold and used as fencing materials with consistent height, materials, and color;

- (b) Maintenance. All fences shall be maintained in sound condition at all times; and,
 - (c) Advertising. Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure.
- (b) **Open Burning.** Open burning is prohibited.
- (c) **Hazardous Materials.** Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.
- (d) **General Requirements.**
 - (i) A junkyard shall not be placed within one thousand feet (1,000') of a major thoroughfare.
 - (ii) Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
 - (iii) Stock piling of tires and batteries is prohibited.
 - (iv) Weeds and vegetation shall be kept at a height not to exceed twelve inches (12").
 - (v) Drainage of junkyards shall be adequate to assure that no standing water shall exist.
 - (vi) All performance standards of this Chapter shall be met for a use considered to be abutting a lot line of land in a Commercial District.
 - (vii) Full compliance with the N.C. State Building Code, including as to bath facilities for a commercial enterprise, and full compliance with N.C. Administrative Code over potable water and sewer services shall be required.
 - (viii) Notarized assurance from both the lot owner(s) and any party(ies) contracted to operate such junkyard shall be provided warranting no

materials from such operation will be permitted to seep into the ground, whether it be oils, eroded dissolving base metals.

- (ix) Access shall be provided by paved road to the lot.
- (6) Mining Operations, Class I.
- (7) Mining Operations, Class II.
- (8) Sewer and Wastewater Treatment Plants and Facilities.
- (9) Single family residence, modular dwellings, and Class A, B, and C manufactured dwellings, with the following minimal requirements:
 - (a) Dwellings units and customary accessory buildings may be constructed only on lots platted and recorded prior to January 1, 1994.
 - (b) Dwelling units and accessory structures must meet setback requirements as follows:

On lots of record of more than sixty feet (60') in width, the following shall apply:

Residential Structure:

Front yard – 25 feet.
Rear yard – 20 feet.
Side yard – 7½ feet.

Accessory Structure:

Front yard – 25 feet.
Rear yard – 10 feet.
Side yard – 7½ feet.

On lots of record of sixty feet (60') or less in width, the following shall apply:

Residential Structure:

Front yard – 25 feet.
Rear yard – 20 feet.
Side yard – 6 feet.

Accessory Structure:

Front yard – 25 feet.

Rear yard – 10 feet.

Side yard – 6 feet.

- (c) Residential structure must meet all other residential requirements of the Commercial Manufacturing Zone.
- (d) All residential uses shall be a minimum of one hundred feet (100') from any industrial or manufacturing structure.
- (e) Residential structure shall be in full compliance with N.C. Building Code and N.C. Administrative Code regarding potable water and sewer service.

(10) Transmission Towers.

(E) Special Exceptions Permissible By The Planning Board.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Planning Board may permit:

- (1) Planned Groups of Structures.

(F) Prohibited Uses And Structures.

- (1) All uses and structures not of a nature specifically or provisionally permitted herein.
- (2) Class D Manufactured dwellings.
- (3) Residential facilities including any form of overnight accommodation other than as shown under permitted, accessory, or permissible uses and structures.

(G) Minimum Lot Requirements (Area And Width).

For each principal use or structure whether such use or structure is singular on a site or part of a planned development, when there is in place both a public or community water system and a public or community sewer system.

Lot area – 10,000 sq. ft.

Lot width – 100 feet.

When either such system is lacking:

Lot Area – 20,000 square feet.

Lot Width – 200 feet.

Bona Fide Farms:

Exempt.

Churches:

Lot area – 1 acre

Lot width – 200 feet

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).

All yards shall be enclosed by solid walls whenever the abutting land is in a residential or C-LD District.

For All Uses:

Front Yard – 50 feet

Rear Yard – 50 feet

Side Yard – 10 feet

Churches:

Front yards – 25 feet

Rear yards – 25 feet

Side yards – 10 feet

Section 4.9. H-M Heavy Manufacturing.

(A) Intent.

To provide locations for enterprises engaged in a broad range of manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembly of goods, merchandise or equipment. On any application where in the opinion of the Zoning Administrator one or more of the Performance Standards in Article 5, Section 5 of this ordinance would appear not capable of being met as filed, or where the Brunswick County Coastal Area Management Act Land Use Plan identification of hazardous or fragile areas show such features in close proximity to the land in question in the application, or where other natural and man-made environmental impacts are anticipated, the Zoning Administrator shall withhold action on the application and present it on the Agenda of the regular monthly meeting of the Planning Board for a determination of whether additional information will have to be filed for review and the nature and detail expected in such information, within worst possible most extreme case the requirement of preparation and filing for approval of an Environmental Impact Statement to national standards and requirements, with resultant amended application upon the basis of such study(ies).

Lands shown by the comprehensive plan for such use will be the only ones where this District will be applied.

Land in this District are to bear close association with Major Thoroughfares as identified in the Major Thoroughfare Plan, to rail service, and to in-place infrastructure such as water and natural gas.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Ordinance.

- (1) Agri-Business.
- (2) Agricultural Industry.
- (3) Arboretums/Botanical Garden.
- (4) Audio, Video Production and Distribution Facilities.
- (5) Bona Fide Farms.
- (6) Churches.
- (7) Commercial Boating Facilities.
- (8) Commercial Recreation Facilities.
- (9) Freight Handling Facilities.
- (10) Garage Service and/or Automobile Repair.

- (11) Government Offices and Buildings.
- (12) Heavy manufacturing other than as shown Permissible by the Board of Adjustment, and other than shown under Sub-section F, Prohibited Uses and Structures.
- (13) Light Manufacturing.
- (14) Outdoor Advertising Structures.
- (15) Public parks, Playgrounds, Playfields and Community Centers.
- (16) Public and Semi-public Facilities.
- (17) Repair, remodeling, and renovating of farm vehicles and equipment.
- (18) Transportation Facilities.
- (19) Warehousing and Storage.
- (20) Wholesale Sales and Services.

(C) Permitted Accessory Uses And Structures.

- (1) Family Care Homes.
- (2) Single Family Dwellings including Modular Dwellings.
- (3) Temporary structures and operations in connection with, and on the site of, construction and land preparation activities; provided a Certificate of Occupancy shall have been issued therefor.
 - (f) Up to three (3) video gaming machines.
 - (g) Uses and structures which are customarily accessory to and clearly incidental to permitted and permissible uses and structures, and are not of a nature prohibited under "Prohibited Uses and Structures".

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Adult & Sexually Oriented Businesses.
- (2) Airports.
- (3) Educational Facilities.
- (4) Energy Generating Facilities.

(5) Energy Generating Facilities, which use bona fide farm products or plants.

(6) Family Care Homes.

(7) Home Occupations.

(8) Junkyards, with the following minimum requirements:

(a) **Fencing.**

(i) Location. An opaque fence or wall shall be erected along the entire perimeter of the lot except for one point of ingress and egress, which shall not be over thirty feet (30') in width of opening of the wall, and over which space a gate of solid material shall be provided and closed during non-operating hours, or the lot be enclosed by fence with similar gate and the view on all sides be screened by natural objects grassed earthen berms, or heavy tree and shrubbery plantings. All business activity, including storage of vehicles or other materials, shall be conducted within the fence. Fencing requirements shall be one of the following:

(a) Within Fifty Feet (50') of Right-of Way. An eight foot (8') solid fence is required if located within fifty feet (50') of the right-of-way boundary; or,

(b) Outside fifty feet (50') from Right-of-Way. A six foot (6') high solid fence is required if located fifty feet (50') or more from the right-of-way boundary.

(ii) Conditions. Such fencing shall meet the following conditions:

(a) Construction. The fence shall be constructed of materials sold and used as fencing materials with consistent height, materials, and color;

(b) Maintenance. All fences shall be maintained in sound condition at all times; and,

(c) Advertising. Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure.

(b) **Open Burning.** Open burning is prohibited.

(c) **Hazardous Materials.** Any gasoline, oil, or other materials spilled or collected on the site shall be contained and disposed of in accordance with State and federal laws.

(d) **General Requirements.**

- (i) A junkyard shall not be placed within one thousand feet (1,000') of a major thoroughfare.
- (ii) Disposal of garbage unrelated to motor vehicles shall be in an approved container and regularly maintained. Open dumping of garbage shall be prohibited.
- (iii) Stock piling of tires and batteries is prohibited.
- (iv) Weeds and vegetation shall be kept at a height not to exceed twelve inches (12").
- (v) Drainage of junkyards shall be adequate to assure that no standing water shall exist.
- (vi) All performance standards of this Chapter shall be met for a use considered to be abutting a lot line of land in a Commercial District.
- (vii) Full compliance with the N.C. State Building Code, including as to bath facilities for a commercial enterprise, and full compliance with N.C. Administrative Code over potable water and sewer services shall be required.
- (viii) Notarized assurance from both the lot owner(s) and any party(ies) contracted to operate such junkyard shall be provided warranting no materials from such operation will be permitted to seep into the ground, whether it be oils, eroded dissolving base metals.
- (ix) Access shall be provided by paved road to the lot.

(9) Mining Operations, Class I.

(10) Mining Operations, Class II.

(11) Private Clubs.

- (12) Racetracks (i.e., dog race, horse race, go-cart, mud bogs and motorized vehicles).
- (13) Restaurants.
- (14) Sewer and Wastewater Treatment Plants and Facilities.
- (15) Single Family Dwellings, Modular Dwellings, and Class A, B, and C Manufactured Dwellings, with the following minimal requirements:
 - (a) Dwellings units and customary accessory buildings may be constructed only on lots platted and recorded prior to January 1, 1994.
 - (b) Dwelling units and accessory structures must meet setback requirements as follows:

On lots of record of more than sixty feet (60') in width, the following shall apply:

Residential Structure:

Front yard – 25 feet.
Rear yard – 20 feet.
Side yard – 7½ feet.

Accessory Structure:

Front yard – 25 feet.
Rear yard – 10 feet.
Side yard – 7½ feet.

On lots of record of sixty feet (60') or less in width, the following shall apply:

Residential Structure:

Front yard – 25 feet.
Rear yard – 20 feet.
Side yard – 6 feet.

Accessory Structure:

Front yard – 25 feet.
Rear yard – 10 feet.
Side yard – 6 feet.

- (c) All residential uses shall be a minimum of one hundred feet (100') from any industrial or manufacturing structure.
 - (d) Residential structure shall be in full compliance with N.C. Building Code and N.C. Administrative Code regarding potable water and sewer service.
- (16) Transmission Towers.
- (17) Wood Waste Grinding Operations with the following minimum requirements:
 - (a) The minimum lot size shall be ten (10) acres.
 - (b) Wood Waste Grinding Operations and materials storage shall not be placed within six hundred sixty feet (660') of the right-of-way of any roadway located in the Transportation Overlay Zone. No public roadway shall be used for queuing of vehicles.
 - (c) All traffic areas, including entrances and exits, within the area of operation shall be graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled.
 - (d) Large permanent, industrial grinders of less than 350 horsepower and curtain burners shall be located three hundred feet (300') or more away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. Large permanent grinders of 350 horsepower or greater shall be placed five hundred feet (500') or more from any residence with the exception of the owner's or applicant's own residential dwelling. All other permanent screeners or similar equipment shall be located at least one hundred feet (100') away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. All grinders, screeners, or similar equipment shall be located at least one hundred feet (100') away from the owner's or applicant's own residential dwelling. The site plan must include a footprint demonstrating where the equipment will be located in relation to dwellings located on adjoining properties.
 - (e) Any permanent grinder, screener, or similar equipment must be set back at least fifty feet (50') from the property lines, except in the Transportation Overlay Zone. Any mulch, dirt, wood waste, or other similar material stored on the property must be located at least fifty feet (50') from any property or road right-of-way lines.

- (f) No grinders, screeners, loaders, dozers, or other similar equipment shall be operated at the site except between 7:00 a.m. and 9:00 p.m. Monday through Saturday. The Board of Adjustment may, where such action is supported by substantial evidence presented to the Board, approve hours of operation other than those set forth above. In the event that a state of emergency has been declared for Brunswick County and/or a natural disaster occurs, extension of the hours of operation for Wood Waste Grinding Operations shall be permissible for a period of time not to exceed ninety (90) days. Natural disasters calling for the necessity of extended Wood Waste Grinding Operation hours may include hurricanes, floods, tornadoes, nor'easters, thunderstorms, severe winter storms, wildfires, earthquakes, and landslides. Natural disasters and/or declared state of emergencies not resulting in the need for the assistance of Wood Waste Grinding Operations shall not prompt an extension in the hours of operation for Wood Waste Grinding Operations.
- (g) Buffering and landscaping requirements shall be in accordance with Article 6 Section 6.3 Buffering and Landscaping Requirements for Berms and for Yards in which Buffers are Required.
- (h) The grinding operation must comply with any applicable regulations enforced by the North Carolina Department of Environment and Natural Resources. These include, but may not be limited to, those laws under the Divisions of Waste Management and Air Quality and any other local applicable regulations. Copies of all materials submitted to the State either as part of a notification or a permit application shall be submitted to the County Planning Department. Rev. 06/02/03

(E) Special Exceptions Permissible By The Planning Board.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Planning Board may permit:

Landfills, which are facilities for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130, Article 9 of the North Carolina General Statutes, including Construction and Demolition Landfills. This section includes, but is not limited to, Subtitle D Landfills as defined by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580). For the purpose of this ordinance, this term does not include composting facilities.

- (1) Construction & Demolition (C&D) Landfill, with the following minimum requirements:
 - (a) **Fencing.**

- (i) Types. All business activity, including storage and processing of construction, demolition, and other waste(s) shall be conducted within a fenced area along the entire perimeter of the lot, except for the point of ingress and egress which shall not be more than fifty feet (50') in width. The following types of fencing shall be constructed and maintained along the entire perimeter of the site:
 - (a) An opaque fence or wall along the entire perimeter of the lot for which a gate of solid material shall be provided and closed during non-operating hours. An opening for ingress and egress of not more than fifty feet (50') in width shall be provided.
 - (b) An opaque fence or wall with similar gate with the view on all sides screened by natural objects, grassed earthen berms, or heavy tree and shrubbery plantings. An opening for ingress and egress of not more than fifty feet (50') in width shall be provided.
- (ii) Height.
 - (a) Within Fifty Feet (50') of Right-of-Way. All fencing must be eight feet (8') in height if located within fifty feet (50') of the Right-of-Way boundary.
 - (b) Outside Fifty Feet (50') of Right-of-Way. All fencing must be six feet (6') in height if located fifty feet (50') or more from the Right-of-Way boundary.
- (iii) Conditions. Such fencing shall meet the following conditions:
 - (a) Construction. The fence shall be constructed of materials sold and used as fencing materials with consistent height, materials, and color. The following types of fences are permitted: wire-mesh with vegetative buffering, ornamental iron with vegetative buffering, masonry, stone walls, or wood.
 - (b) Maintenance. All fences shall be maintained in sound condition at all times.
 - (c) (Advertising. Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the

operation carried on within the enclosure and/or rules for entry.

- (b) **Buffer Area.** A buffer area of a strip of land with natural or planted vegetation of at least fifty feet (50') around all sides of the landfill. The standard buffer area may be increased where it is necessary to fulfill the purposes of buffering. An earthen berm may be used in conjunction with planted vegetation provided that the combined height of the berm and planted vegetation shall be at least six feet (6') and provide approximately seventy-five percent (75%) opacity within one year of planting. The slope of the berm shall be stabilized with vegetation and no steeper than 3:1. The berm shall be constructed of compacted earth.
- (c) **Open Burning.** Open burning is prohibited.
- (d) **Hazardous Materials.** Any hazardous materials spilled or collected on the site shall be contained and disposed of in accordance with State and Federal laws. Operators of a C&D Landfill shall have a designated area for the collection of hazardous materials.
- (e) **General Requirements.**
 - (i) Applicants shall follow all procedural requirements for operating a C&D Landfill.
 - (a) Preliminary Site Plan.
 - (1) Preliminary Site Plan shall first be reviewed by Planning Department staff and the Technical Review Committee.
 - (2) Applicant shall include supplementary information including a plan for reclamation/restoration of the site and provide some guarantee of funding to finance the restoration.
 - (3) The proposed Preliminary Site Plan shall be presented to the Planning Board for a public hearing. The Planning Board shall approve, disapprove, or table the Preliminary Site Plan. The Planning Board also has the option of approving the Preliminary Site Plan with conditions.
 - (b) Final Site Development Plan

- (1) Final Site Development Plan shall be in accordance with Planning Board approval including any conditions of the Planning Board's Special Exception.
 - (2) Guarantees of funding can include a Surety Performance Bond, a Nonrevocable Letter of Credit, or a combination of both, in the amount of 125% of the estimated cost of reclamation/restoration of the site after closure. Guarantees of funding shall be provided at the time the Final Site Development Plan is submitted and following Planning Board approval of the Preliminary Site Plan.
- (ii) Site Development Plans shall be done at a scale that is able to adequately include the following:
 - (a) Proposed access to the landfill including its location on the site, intersection with a State-maintained road, sight distances, and construction and maintenance standards.
 - (b) Phasing Plan, if applicable.
 - (c) Views from thoroughfares, residences, and other buildings shall be illustrated through graphics showing topographic sections in the affected areas and through photographs.
 - (d) Proposed screening, where it is required in initial or subsequent phases, shall be shown, and the plan shall describe how these requirements shall be fulfilled by specifically mentioning dimensions, varieties, timing, and other specifications.
 - (e) Buffer areas shall be indicated on the site development plans.
 - (f) Location of utilities, accessory buildings, and storage areas.
 - (g) Sedimentation and erosion control, stormwater plan, and final stabilization plans.
 - (h) Proposed parking, loading, and landscaping.
 - (i) Lighting (must be internally oriented).

- (j) Building information (dimensions and location of property).
 - (k) Nearest fire hydrant, drainage, and size/location of water and/or sewer line(s).
 - (l) Existing topography/proposed topography.
 - (m) Site information, lot lines, and dimensions including total acreage.
 - (n) Designated area for collection of recyclable materials.
 - (o) Designated area for collection of hazardous materials.
- (iii) Any person operating a C&D Landfill site in Brunswick County shall maintain and operate the site in conformance with North Carolina State application and operational requirements.
 - (iv) Operators of a C&D Landfill shall recycle and promote recycling to the greatest extent possible.
 - (v) C&D Landfills shall be located where all roads that provide access are constructed to NCDOT standards for the width and rated tonnage of the trucks that will be accessing the landfill. Landfill traffic to and from such intersection shall not be through a residential neighborhood where the streets are primarily intended to provide access to adjacent residences.
 - (vi) C&D Landfills may be located in the H-M (Heavy Manufacturing) and RU-I (Rural Industrial) districts if the applicant can demonstrate through information and plans submitted during the process that there will be no adverse effect(s) from the landfill on public water supplies.
 - (vii) A Construction and Demolition (C&D) Landfill shall not be placed within one thousand feet (1000') of the right-of-way of any roadway located in the Transportation Overlay Zone. No public roadway shall be used for cueing of vehicles.
 - (viii) Weeds and vegetation, excluding any buffer areas, shall be kept at a height not to exceed twelve inches (12").
 - (ix) Roads providing access to C&D Landfills shall be maintained so as to preserve aesthetic appearance. Litter and garbage shall be collected by the C&D Landfill operator in a routine manner to

- reduce roadside trash. Litter and garbage shall be collected ½ mile from any point of access.
- (x) Any person(s) or business(es) operating a C&D Landfill in Brunswick County shall be required to obtain a franchise agreement with the Brunswick County Board of Commissioners.
 - (xi) Regulations for operations shall be clearly posted at all entrances to the landfill.
- (f) Wood Waste Grinding Operations shall have the following minimum requirements as an accessory use to a C&D Landfill:
- (1) All traffic areas, including entrances and exits, within the area of operation shall be graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled.
 - (2) As an accessory use to a C&D Landfill, Wood Waste Grinding Operations and materials storage shall not be placed within six hundred sixty feet (660') of the right-of-way of any roadway located in the Transportation Overlay Zone. No public roadway shall be used for queuing of vehicles.
 - (3) Large permanent, industrial grinders of less than 350 horsepower and curtain burners shall be located three hundred feet (300') or more away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. Large permanent grinders of 350 horsepower or greater shall be placed five hundred feet (500') or more from any residence with the exception of the owner's or applicant's own residential dwelling. All other permanent screeners or similar equipment shall be located at least one hundred feet (100') away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. All grinders, screeners, or similar equipment shall be located at least one hundred feet (100') away from the owner's or applicant's own residential dwelling. The site plan must include a footprint demonstrating where the equipment will be located in relation to dwellings locating on adjoining properties.
 - (4) Any permanent grinder, screener, or similar equipment must be set back at least fifty feet (50') from the property lines, except in the Transportation Overlay Zone. Any mulch, dirt, wood waste, or other similar material stored on the property must be located at least fifty feet (50') from any property or road right-of-way lines.

- (5) No grinders, screeners, loaders, dozers, or other similar equipment shall be operated at the site except between 7:00 a.m. and 9:00 p.m. Monday through Saturday. The Board of Adjustment may, where such action is supported by substantial evidence presented to the Board, approve hours of operation other than those set forth above. In the event that a state of emergency has been declared for Brunswick County and/or a natural disaster occurs, extension of the hours of operation for Wood Waste Grinding Operations shall be permissible for a period of time not to exceed ninety (90) days. Natural disasters calling for the necessity of extended Wood Waste Grinding Operation hours may include hurricanes, floods, tornadoes, nor'easters, thunderstorms, severe winter storms, wildfires, earthquakes, and landslides. Natural disasters and/or declared state of emergencies not resulting in the need for the assistance of Wood Waste Grinding Operations shall not prompt an extension in the hours of operation for Wood Waste Grinding Operations.
- (6) The grinding operation must comply with any applicable regulations enforced by the North Carolina Department of Environment and Natural Resources. These include, but may not be limited to, those laws under the Divisions of Waste Management and Air Quality and any other local applicable regulations. Copies of all materials submitted to the State either as part of a notification or a permit application shall be submitted to the County Planning Department. Rev.06/02/03

- (2) Planned Groups of Structures.

(F) Prohibited Uses And Structures.

- (1) All uses and structures not of a nature specifically or provisionally permitted herein.
- (2) Class D Manufactured dwellings.
- (3) Residential facilities including any form of overnight accommodation other than as shown under permitted, accessory or permissible uses and structures.
- (4) The following types of heavy manufacturing are prohibited in this Zoning District:
 - (a) Wholesale Trade
 - (i) Animal and animal products.
 - (ii) Major demolition debris landfill.

(b) Manufacturing

- (i) Animal slaughtering and rendering.
- (ii) Animal fats and oils.
- (iii) Tanning involving leather and leather products.

(G) Minimum Lot Requirements (Area And Width).

For each principal use or structure whether such use or structure is singular on a site or part of a planned development:

Lot area – One acre.

Lot width – 200 feet

Bona Fide Farms:

Exempt.

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard)

For All Uses:

Front Yard – 50 feet.

Rear Yard – 50 feet.

Side Yard – 10 feet.

Section 4.10. RU-I; Rural – Industrial.

(A) Description: Intent.

This District is intended to accommodate uses on lands which do not have a recent history of being productive agricultural, or farm lands. Also, this District is intended to be applied only on lands not shown to be permitted to become urban or suburban by the Land Use Plan, and which are not wetlands or environmentally sensitive lands.

In our society, there is need for use of lands for such uses as agricultural industry, as repositories for waste products whose composition and features require they be removed from other Zoning Districts, and for uses of open air or extensive rather than intensive character such as chemical extraction or energy generation from crops or woods or the wastes of same, or conversion of crops, woods, and animals to various products of use to society, and need for use of land for such features as animal slaughtering and processing operations and even incineration of animal remains.

This District is intended to provide such areas in an extremely limited manner sufficient only to meet proven needs for such generally adverse uses. This District will be applied only on a site specific determination for one or more of the permitted principal uses and structures, or permissible principal uses and structures, shown herein, by specific study and evaluation with it being the declared intent of Brunswick County that the applicant for land to be placed in this District shall pay the full costs of such study and evaluation, whatever the end results. Those soil types found in Brunswick County, dependent also on many other factors, which may possibly be found acceptable for inclusion in the zoning District include Baymeade, Baymeade-Marvyn group, Foreston, Goldsboro, Kureb, Newhan, Norfolk, Wando and Bragg. This study is to meet all requirements and guidelines current at the time it commences for preparation of an Environmental Impact Statement under federal law. It is not to commence until all details surrounding such E.I.S. have been worked out with the Zoning Administrator and reported to and acknowledged by the Planning Board and the Board of County Commissioners, as initiation of the E.I.S. process.

Such land uses require restriction of other uses such as residential, institutional, commercial, and manufacturing where there are concentrations of persons likely at any given time. The Sunny Point Military Ocean Terminal's buffer zone is an illustration of how man would be expected to be limited in accessibility or closeness to uses in this District.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Ordinance.

- (1) Above and below ground storage operations, when permitted under state and federal laws, and subject to all stipulations over any such permissions.

- (2) Agricultural Industry excepting as shown under Special Exceptions by the Zoning Board of Adjustment.
- (3) Any State or Federal land use activity of non-residential nature and having more of an automated operational nature than human operational nature.
- (4) Chemical extraction from Bona Fide Farm operations and from aquatic plants when production/harvesting of same is permitted by state and federal laws.
- (5) Conversion of Bona Fide Farm products to materials or products of use to society, where the activity is highly automated and non-labor intensive.
- (6) Energy generation facilities when process uses products of Bona Fide Farms and aquatic plants as above.
- (7) Extraction and refinement of mined products.
- (8) Heavy Manufacturing, including but not limited to:
 - (a) Wholesale Trade.
 - (i) Animal and animal products.
 - (ii) Construction and Demolition (C&D) Landfill.
 - (a) **Fencing.**
 - (i) Types. All business activity, including storage and processing of construction, demolition, and other waste(s) shall be conducted within a fenced area along the entire perimeter of the lot, except for the point of ingress and egress which shall not be more than fifty feet (50') in width. The following types of fencing shall be constructed and maintained along the entire perimeter of the site:
 - (a) An opaque fence or wall along the entire perimeter of the lot for which a gate of solid material shall be provided and closed during non-operating hours. An opening for ingress and egress of not more than fifty feet (50') in width shall be provided.
 - (b) An opaque fence or wall with similar gate with the view on all sides screened by natural objects, grassed earthen berms, or heavy tree and

shrubby plantings. An opening for ingress and egress of not more than fifty feet (50') in width shall be provided.

(ii) Height.

(a) Within Fifty Feet (50') of Right-of-Way. All fencing must be eight feet (8') in height if located within fifty feet (50') of the Right-of-Way boundary.

(b) (Outside Fifty Feet (50') of Right-of-Way. All fencing must be six feet (6') in height if located fifty feet (50') or more from the Right-of-Way boundary.

(iii) Conditions. Such fencing shall meet the following conditions:

(a) Construction. The fence shall be constructed of materials sold and used as fencing materials with consistent height, materials, and color. The following types of fences are permitted: wire-mesh with vegetative buffering, ornamental iron with vegetative buffering, masonry, stone walls, or wood.

(b) Maintenance. All fences shall be maintained in sound condition at all times.

(c) Advertising. Fences shall not contain advertising or other lettering other than lettering or a sign which identifies the operation carried on within the enclosure and/or rules for entry.

(b) **Buffer Area.** A buffer area of a strip of land with natural or planted vegetation of at least fifty feet (50') around all sides of the landfill. The standard buffer area may be increased where it is necessary to fulfill the purposes of buffering. An earthen berm may be used in conjunction with planted vegetation provided that the combined height of the berm and planted vegetation shall be at least six feet (6') and provide approximately seventy-five percent (75%) opacity within one year of planting. The slope of the berm shall be stabilized with vegetation and no steeper than 3:1. The berm shall be constructed of compacted earth.

(c) **Open Burning.** Open burning is prohibited.

- (d) **Hazardous Materials.** Any hazardous materials spilled or collected on the site shall be contained and disposed of in accordance with State and Federal laws. Operators of a C&D Landfill shall have a designated area for the collection of hazardous materials.
- (e) **General Requirements.**
 - (i) Applicants shall follow all procedural requirements for operating a C&D Landfill.
 - (a) Preliminary Site Plan.
 - (1) Preliminary Site Plan shall first be reviewed by Planning Department staff and the Technical Review Committee.
 - (2) Applicant shall include supplementary information including a plan for reclamation/restoration of the site and provide some guarantee of funding to finance the restoration.
 - (3) The proposed Preliminary Site Plan shall be presented to the Planning Board for a public hearing. The Planning Board shall approve, disapprove, or table the Preliminary Site Plan. The Planning Board also has the option of approving the Preliminary Site Plan with conditions.
 - (b) Final Site Development Plan
 - (1) Final Site Development Plan shall be in accordance with Planning Board approval including any conditions of the Planning Board's Special Exception.
 - (2) Guarantees of funding can include

Surety Performance Bond, a Nonrevocable Letter of Credit, or a combination of both, in the amount of 125% of the estimated cost of reclamation/restoration of the site after closure. Guarantees of funding shall be provided at the time the Final Site Development Plan is submitted and following Planning Board approval of the Preliminary Site Plan.

- (ii) Site Development Plans shall be done at a scale that is able to adequately include the following:
 - (a) Proposed access to the landfill including its location on the site, intersection with a State-maintained road, sight distances, and construction and maintenance standards.
 - (b) Phasing Plan, if applicable.
 - (c) Views from thoroughfares, residences, and other buildings shall be illustrated through graphics showing topographic sections in the affected areas and through photographs.
 - (d) Proposed screening, where it is required in initial or subsequent phases, shall be shown, and the plan shall describe how these requirements shall be fulfilled by specifically mentioning dimensions, varieties, timing, and other specifications.
 - (e) Buffer areas shall be indicated on the site Development plans.
 - (f) Location of utilities, accessory buildings, and storage areas.
 - (g) Sedimentation and erosion control, stormwater plan, and final stabilization plans.

- (h) Proposed parking, loading, and landscaping.
 - (i) Lighting (must be internally oriented).
 - (j) Building information (dimensions and location of property).
 - (k) Nearest fire hydrant, drainage, and size/location of water and/or sewer line(s).
 - (l) Existing topography/proposed topography.
 - (m) Site information, lot lines, and dimensions including total acreage.
 - (n) Designated area for collection of recyclable materials.
 - (o) Designated area for collection of hazardous materials.
- (iii) Any person operating a C&D Landfill site in Brunswick County shall maintain and operate the site in conformance with North Carolina State application and operational requirements.
 - (iv) Operators of a C&D Landfill shall recycle and promote recycling to the greatest extent possible.
 - (v) C&D Landfills shall be located where all roads that provide access are constructed to NCDOT standards for the width and rated tonnage of the trucks that will be accessing the landfill. Landfill traffic to and from such intersection shall not be through a residential neighborhood where the streets are primarily intended to provide access to adjacent residences.
 - (vi) C&D Landfills may be located in the H-M (Heavy Manufacturing) and RU-I (Rural Industrial) districts if the applicant can demonstrate through information and plans submitted during the process that there will be no adverse effect(s) from the landfill on public water supplies.

- (vii) A C&D Landfill shall not be placed within one thousand feet (1000') of the right-of-way of any roadway located in the Transportation Overlay Zone. No public roadway shall be used for cueing of vehicles.
 - (viii) Weeds and vegetation, excluding any buffer areas, shall be kept at a height not to exceed twelve inches (12").
 - (ix) Roads providing access to C&D Landfills shall be maintained so as to preserve aesthetic appearance. Litter and garbage shall be collected by the C&D Landfill operator in a routine manner to reduce roadside trash. Litter and garbage shall be collected ½ mile from any point of access.
 - (x) Any person(s) or business(es) operating a C&D Landfill in Brunswick County shall be required to obtain a franchise agreement with the Brunswick County Board of Commissioners.
 - (xi) Regulations for operations shall be clearly posted at all entrances to the landfill.
- (f) Wood Waste Grinding Operations shall have the following minimum requirements as an accessory use to a C&D Landfill:
- (1) All traffic areas, including entrances and exits, within the area of operation shall be graveled or covered with a similar dust reduction material. Storage areas for mulch, dirt, wood waste or other similar materials need not be graveled.
 - (2) As an accessory use to a C&D Landfill, Wood Waste Grinding Operations and materials storage shall not be placed within six hundred sixty feet (660') of the right-of-way of any roadway located in the Transportation Overlay Zone. No public roadway shall be used for queuing of vehicles.
 - (3) Large permanent, industrial grinders of less than 350 horsepower and curtain burners shall be located three hundred feet (300') or more away

from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. Large permanent grinders of 350 horsepower or greater shall be placed five hundred feet (500') or more from any residence with the exception of the owner's or applicant's own residential dwelling. All other permanent screeners or similar equipment shall be located at least one hundred feet (100') away from any residential dwelling with the exception of the owner's or applicant's own residential dwelling. All grinders, screeners, or similar equipment shall be located at least one hundred feet (100') away from the owner's or applicant's own residential dwelling. The site plan must include a footprint demonstrating where the equipment will be located in relation to dwellings locating on adjoining properties.

- (4) Any permanent grinder, screener, or similar equipment must be set back at least fifty feet (50') from the property lines, except in the Transportation Overlay Zone. Any mulch, dirt, wood waste, or other similar material stored on the property must be located at least fifty feet (50') from any property or road right-of-way lines.
- (5) No grinders, screeners, loaders, dozers, or other similar equipment shall be operated at the site except between 7:00 a.m. and 9:00 p.m. Monday through Saturday. The Board of Adjustment may, where such action is supported by substantial evidence presented to the Board, approve hours of operation other than those set forth above. In the event that a state of emergency has been declared for Brunswick County and/or a natural disaster occurs, extension of the hours of operation for Wood Waste Grinding Operations shall be permissible for a period of time not to exceed ninety (90) days. Natural disasters calling for the necessity of extended Wood Waste Grinding Operation hours may include hurricanes, floods, tornadoes, nor'easters, thunderstorms, severe winter storms, wildfires, earthquakes, and landslides. Natural disasters and/or declared state of emergencies not resulting in the need for the

assistance of Wood Waste Grinding Operations shall not prompt an extension in the hours of operation for Wood Waste Grinding Operations.

- (6) The grinding operation must comply with any applicable regulations enforced by the North Carolina Department of Environment and Natural Resources. These include, but may not be limited to, those laws under the Divisions of Waste Management and Air Quality and any other local applicable regulations. Copies of all materials submitted to the State either as part of a notification or a permit application shall be submitted to the County Planning Department. Rev. 06/02/03

(b) Manufacturing.

- (i) Animal slaughtering and rendering.
- (ii) Animal fats and oils.
- (iii) Tanning involving leather and leather products.

- (9) Storage and warehousing facilities for all above uses plus those which may be permitted by the Board of Adjustment.

(10) Quarrying.

(C) Permitted Accessory Uses And Structures.

Temporary structures and operations in connection with, and on the site of construction and land preparation developments, including dredging, filling, grading, paving, installation of utilities, construction or erection of field offices, and structures for storage of equipment and building materials, all provided a Certificate of Occupancy is issued therefor.

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

None.

(E) Special Exceptions Permissible By The Planning Board.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Planning Board may permit:

None.

(F) Prohibited Uses And Structures.

Any form of residency or sleeping facility excepting one caretaker or guard or fireman housing unit is permitted, if the occupant thereof can be shown by the plans for such facility to be sufficiently protected from any adverse affects the principal use might generate or emit.

(G) Minimum Lot Requirements (Area And Width).

Lot area – 100 acres

Lot width – 2,500 feet

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yard).

All yards shall be enclosed by solid walls whenever the abutting land is in a residential or commercial Zoning District.

Minimum yard setback for any activity on a site is 500 feet excepting when abutting land in an industrial Zoning District the minimum yard setback is 250 feet.

Section 4.11. Neighborhood Commercial District.

(A) Intent.

The NC Neighborhood Commercial District is primarily intended to accommodate very low intensity office, retail and personal services uses within residential areas. The district is established to provide convenient locations for businesses which serve the needs of surrounding residents without disrupting the character of the neighborhood.

It is not intended to accommodate retail uses which primarily attract passing motorists. Compatibility with nearby residences is reflected in design standards for both site layout and buildings.

In addition, uses in the NC District have minimal infrastructure demands and are oriented toward the needs of the rural and agricultural community.

(B) Permitted Principal Uses And Structures.

Subject to provisions or restrictions contained here and elsewhere in this Chapter.

- (1) Adult Day Care/Health Services. Rev. 12/01/03
- (2) Arboretums/Botanical Garden
- (3) Bed and Breakfast Houses.
- (4) Bona Fide Farms.
- (5) Churches.
- (6) Craft and woodworking shops, antique shops and similar crafts involving no outside processing, compounding treatment or excessive infrastructure.
- (7) Day Care Facilities.
- (8) Duplexes.
- (9) Educational Facilities.
- (10) Family Care Homes.
- (11) Financial Institutions.
- (12) Golf Courses.
- (13) Golf Driving Ranges.
- (14) Government Offices and Buildings.
- (15) Landscaping and Horticultural Services.

- (16) Nurseries.
- (17) Nursing Home Facilities.
- (18) Performing Arts Studios.
- (19) Personal Service Establishments.
- (20) Private Clubs.
- (21) Professional Offices/Studios.
- (22) Public and Semi-public Facilities.
- (23) Public parks, Playgrounds, Playfields and Community Centers.
- (24) Restaurants.
- (25) Retail sale of produce grown on premises.
- (26) Retail sales less than or equal to 10,000 square feet.
- (27) Single Family Dwellings and Class A, B and C Manufactured Dwellings.
- (28) Veterinary Establishments.

(C) Permitted Accessory Uses And Structures.

- (1) Home Occupations.
- (2) Uses and structures which are customarily accessory and clearly incidental to permitted or permissible uses and are not of a nature prohibited under "Prohibited Uses and Structures", provided that no more than one on-premise dwelling unit for occupancy by the owner, lessors, managers, watchmen, or custodians in connection with the operation of any permitted or permissible use, shall be permitted.
- (3) Temporary structures and operations in connection with, and on the site of, building or land preparation developments, including dredging and filling, grading, paving, installation of utilities, construction, erection of field offices, and structures for storage of equipment and building materials; provided a Certificate of Occupancy shall have been issued therefor.

(D) Special Exceptions Permissible By Board Of Adjustment.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Board of Adjustment may permit:

- (1) Cemeteries.

- (2) Commercial Recreation Facilities.
- (3) Emergency Shelter, with the following minimum requirements: Rev. 10/04/04
 - (a) Location Consideration.
 - (ii) Shall be no closer than one-half (1/2) mile radius from any existing and /or permitted Emergency Shelter, Group Home, or Family Care Home. The distance shall be measured by following a straight line from the nearest point of the lot line of the proposed use to the nearest point of the lot line for the lot on which the existing facility is located.
 - (b) Shelter Management.
 - (i) Temporary shelter shall be available to residents for no more than six (6) months.
 - (ii) Staff and services shall be provided to assist residents to obtain permanent shelter and income.
 - (iii) The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment of programs for residents.
 - (iv) Each Emergency Shelter must indicate as part of the written management plan how the following services will be provided (if applicable):
 - (a) Food service.
 - (b) Job counseling.
 - (c) Alcohol and drug addiction screening and counseling.
 - (d) Domestic abuse counseling.
 - (e) Health Care.
 - (f) Mental Health Care.
 - (g) Case Management.
 - (h) Transportation
 - (i) Safety Plan.
 - (c) Development Standards.
 - (i) Common Facilities. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
 - (a) Central cooking and dining room(s).
 - (b) Recreation room.
 - (c) Counseling center.
 - (d) Childcare facilities.

- (e) Other support services.
 - (ii) Security. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
 - (iii) External Lighting. Any lighting shall be internally oriented and shall not exceed forty feet (40') in height in commercially zoned areas and thirty feet (30') in height in residentially zoned areas.
 - (iv) Recreational Areas. Emergency shelters should provide for recreational areas outside of the shelter. If families are housed in the shelter, a play area for children should be provided.
 - (v) Outdoor Activity. For the proposes of noise abatement in residential districts, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.
 - (vi) Unit Density. Minimum of two hundred (200) gross square feet per person.
 - (vii) Hours of Operation. Emergency shelters shall remain open 24 hours per day.
 - (viii) Separation of Clients. Emergency shelters shall provide for separation of families from individuals and special needs clients.
 - (ix) Buffering. Buffering shall be consistent with the requirements outlined in Section 6.3. of the Brunswick County Zoning Ordinance. No activities shall occur in the buffer area except for maintenance of the buffer and the installation of water, sewer, electrical and other utility systems.
 - (x) Off-Street Parking. Off-street parking shall be in accordance with Article 5 Section 5 Off-Street Parking and Loading Spaces.
- (4) Funeral Homes.
- (5) Garage Service and/or Automobile Repair provided that all above uses are conducted within enclosed buildings; all storage areas of parts and materials are enclosed, and all waiting and ready cars are located on the premises. Car wash and polishing, providing such structure, unless completely enclosed, provides a minimum interior side yard of 20 feet and a rear yard of 20 feet, preferably including heavy planting screen around the perimeter where practicable. In addition, all entrances and exits for above uses shall be approved by the N.C. Department of Transportation, all provided that no such facility shall be permitted on a lot with a width of less than 100 feet or an area of less than 10,000 square feet.
- (6) Group Care Homes.
- (7) Kennel.

- (8) Martial Arts Instructional Schools.
- (9) Private organizations operating as nude campgrounds, colonies, resorts or similar facilities, with the following minimum requirements:
 - (a) Must meet all applicable county and state regulations including but not limited to, Campground, Manufactured Home Park and PUD ordinances.
 - (b) Must operate as private organization with no access by the general public. Only members or guests of members may be permitted on site.
 - (c) Must provide adequate visual and noise screening and/or buffering.
 - (d) No part of any facility or structure shall be:
 - (i) located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
 - (ii) located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.
 - (iii) located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
 - (iv) located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
 - (v) located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - (vi) located within fifteen hundred feet (1,500') of any publicly owned or operated facility.
- (10) Repair, remodeling, and renovating of farm vehicles and equipment.
- (11) Retail sales more than 10,000 square feet.
- (12) Sewer and Wastewater Treatment Plants and Facilities.
- (E) Special Exceptions Permissible By The Planning Board.

After public notice and hearing, and subject to appropriate conditions and safeguards, the Planning Board may permit:

 - (1) Campgrounds.

- (2) Manufactured Home Parks.
- (3) Mixed Use Development with both Commercial and Residential Uses in the same structure.
 - (a) Residential use in conjunction with Personal Service Establishments, Professional Offices/Studios, Performing Arts Studios or Retail Sales less than 10,000 square feet only.
 - (b) Residential use located above ground only.
 - (c) Ingress and egress provided from the ground level.
 - (d) No on-premise licensing for alcoholic beverages.
 - (e) Parking will be based on both residential and commercial development design standards.
 - (f) Meet commercial and applicable buffering requirements. Rev. 12/01/03
- (4) Planned Unit Developments.

All forms of innovative land usage for residential developments such as single-family cluster subdivisions, townhouses, multi-family dwellings, retirement complexes, patio lots as long as the overall density, of land used for residential structure coverage ("foot print") and for amenities of perpetually assured open space provide not more than one dwelling unit or residency room per 7,500 square feet of land when public or community water and sewer service is available, or 15,000 square feet where either or both public or community water or sewer service is not available. Accessory commercial and medical services intended primarily for residents are permissible. The intent of permitting such innovative developments is to encourage a higher quality of development than it may be possible to achieve by use of a particular tract of land for a traditional detached single family house subdivision.

In all cases, adequate external buffering shall be provided by much larger setbacks of structures and uses such as active recreational areas, swimming pools, ancillary structures, trafficways, parking, and all other use of the land than green open space. In no case shall any structure or pavement or sign be located closer than twenty-five feet (25') to any property line.

Adequate instruments to go of record to the benefit of all persons who buy or rent in the proposed development have to be filed and are subject to the same scrutiny and judgement as the site and structural and landscape plans.

(F) Prohibited Uses And Structures.

- (1) All uses and structures not of a nature specifically or provisionally permitted herein.
- (2) Truck terminals; storage warehouses and storage yards.

(G) Minimum Lot Requirements (Area And Width).

Retail Stores, Sales and Display Rooms and Shops; Banks and Financial Institutions; Restaurants; Hotels and Motels;

Commercial Recreational Structures and Uses; Clinics and Laboratories;

WITH WATER AND SEWER:

Lot area – No minimum square footage required.
Lot width – 75 feet.

WITHOUT WATER AND SEWER:

Lot area – 10,000 square feet.
Lot width – 75 feet.

Hospitals; Nursing Homes; Domiciliary Homes; Fraternal Clubs and lodges; Mortuaries; Churches;

WITH WATER AND SEWER:

Lot area – No minimum square footage required.
Lot width – 150 feet.

WITHOUT WATER AND SEWER:

Lot area – 15,000 square feet.
Lot width – 150 feet.

Offices and Studios; Personal Service Establishments; Vocational Schools;

WITH WATER AND SEWER:

Lot area – No minimum square footage required.
Lot width – No minimum lot width.

WITHOUT WATER AND SEWER:

Lot area – 7,500 square feet required.
Lot width – 50 feet.

Public Educational Facilities:

Lot width – Minimum standards as set by the State Board of Education, but not less than 300 feet.

Lot area – Minimum standards as set by the State Board of Education, but not less than 5 acres.

Private Educational Facilities:

Lot width – Minimum standards as set by appropriate state authorities, but less than 200 feet.

Lot area – Minimum standards as set by appropriate state authorities, but not less than 2 acres.

Residential Use:

WITH WATER AND SEWER:

Per Dwelling Unit:

Lot area – 7,500 square feet.

Lot width – 75 feet.

WITHOUT WATER AND SEWER:

Lot area – 15,000 square feet.

Lot width – 75 feet.

Bona Fide Farms:

Exempt.

Mixed-use Residential and Commercial Development on a Single Lot:

Lot area – No minimum square footage required.

Lot width – 100 feet.

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All other permitted or permissible uses:

Lot area – 15,000 square feet.

Lot width – 150 feet.

(H) Minimum Yard Requirements (Depth Of Front And Rear Yards, Width Of Side Yards).

All Commercial Uses:

Mixed-use Residential and Commercial Development on a Single Lot And

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Front yards – 25 feet

Rear yards – 10 feet provided that in the case of reversed frontage lots, a 6 foot rear yard shall be left adjacent to the side lot line of adjoining property.

Side yards – 6 feet on sides of lots adjacent to streets, 25 feet.

Residential Use:

Front yard – 25 feet

Rear yard – 25 feet

Side yard – 10 feet

Section 4.12. MI – Military Installation.

(A) Description: Intent.

The purpose of the Military Installation District (MI) is to recognize the location of major single use and multiple use military facilities in Brunswick County.

While federal government areas are not subject to local zoning and other codes, they occupy large land areas in the County. These areas therefore are identified on the zoning map as a Special Purpose District to differentiate them from other areas that are covered by the regulations in this ordinance.

The main objective of this District is to identify specific resources not otherwise identified where protection can be considered in the public's interest; identify interests relating to land use planning that impact County policy on industry, the environment and residential land uses in general; minimize substantial development impacts of these facilities; and develop a coordinated, planning/zoning process to include all federal entities.

(B) Permitted Principal Uses And Structures.

The uses specified as permitted uses include any uses authorized by and located in Military Installations of the U.S. Government.

Development Coordination Encouraged:

In areas of MI Districts not affected by military security in areas where commercial, residential, or mixed use developments are proposed, and in areas where joint public/private development may be explored, the federal government and Brunswick County is encouraged to establish a coordinated planning process to achieve both federal and local benefits, to minimize development impacts, and to help meet the objectives and policies of the Land Use Plan of Brunswick County.

Part B. Special Entertainment Uses.

Section 4.13. Adult & Sexually Oriented Businesses.

(A) Authority.

The provisions of these regulations are adopted by the Brunswick County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Chapter 153A, Article 18 of the General Statutes. From and after the effective date and hereof, these regulations shall apply to every building, lot, tract, or parcel of land within Brunswick County.

(B) Intent.

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a

deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Brunswick County, this article is adopted by the Board of Commissioners to regulate adult and sexually oriented businesses, as hereby defined, located in the jurisdiction of the county. Further the regulations of this article have been made with reasonable consideration, among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.

(C) Abrogation.

These regulations shall not repeal, impair, abrogate or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, regulations previously adopted pursuant to law in any established zoning district in Brunswick County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

(D) Definitions.

For the purpose of these regulations, the following definitions shall apply:

(1) Adult Arcade.

An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas (as defined hereinafter).

(2) Adult Bookstore.

An establishment that has as substantial portion (over 25% of total retail space) of its stock-in-trade and offer for rent or sale, for any consideration, any one or more of the following: 1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or 2) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

(3) Adult Business.

An adult business shall be defined as any business activity, club or other establishment which permits its employees, members, patrons or guests on its premises to exhibit any specified anatomical areas before any other person or persons.

(4) Adult Motion Picture Theater.

An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion (25%) of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

(5) Adult Theater.

A theater, concert hall, auditorium or similar establishment characterized by (activities featuring) the exposure of specified anatomical area or by specified sexual activities.

(6) Massage.

Any manipulation of body muscle or tissue by rubbing, stroking, kneading, or tapping, by hand or mechanical device.

(7) Massage Business.

Any establishment or business wherein massage is practiced, including establishments commonly known as massage studios or massage parlors. Excluded from this definition are legitimate massage therapists, bodywork therapists, or contact manipulation therapists, working under the direct supervision of a licensed Physician, or who in the regular course of their respective businesses, have been licensed or certified by any governmental subdivision in North Carolina, or licensed or certified by a recognized association or organization on file with the North Carolina Secretary of State, the North Carolina Board of Chiropractic Examiners, North Carolina Board of Medical Examiners, N.C. Board of Occupational Therapy, NC Board of Physical Therapy Examiners, or Board of Podiatry Examiners, or have been certified or licensed by a national organization and similarly registered.

(8) Sexually Oriented Business.

A sexually oriented business shall be defined as any business activity, club or other establishment, within which the exhibition, showing, rental, or sale of materials distinguished or characterized by an emphasis on material depicting, describing, or exhibiting specified anatomical areas or relating to specified sexual activities is permitted. Sexually oriented businesses shall include, but are not limited to: adult arcades, adult bookstores, adult motion picture theaters, adult theaters, massage businesses, as defined by this ordinance.

(9) Specified Anatomical Areas.

Specified anatomical areas shall be defined as less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola.

(10) Specified Sexual Activities.

Specified sexual activities shall be defined as:

- (a) Human genitals in a state of stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse, sodomy; or
- (c) Fondling of other erotic genitals, pubic regions, buttocks or female breasts.

(11) Total Retail Space.

Any space within the structure that is used for the direct sale of merchandise to the public and storage areas for those items.

(E) Application Of Regulations.

Adult and sexually oriented businesses shall be regulated as to location in the following manner in addition to any other requirements of this code:

- (1) No adult or sexually oriented business shall be permitted in any building:
 - (a) located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
 - (b) located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.
 - (c) located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
 - (d) located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
 - (e) located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - (f) located within fifteen hundred feet (1,500') of any publicly owned or operated facility.
- (2) No more than one (1) adult or sexually oriented business establishment shall be located in the same building or structure or on the same lot.

- (3) Adult and sexually oriented businesses shall be located only in a H-M (Heavy Manufacturing) Zoning District and shall be established by Special Exception approval of the Board of Adjustment.
- (4) Except for signs as permitted in Section 5.21, promotional displays and presentations shall not be visible to the public from sidewalks, walkways or streets.
- (5) All minimum lot requirements of the H-M Zoning District shall be met.

(F) Nonconforming Adult Business And Sexually Oriented Businesses:

Any adult business or sexually oriented business lawfully operating as of the effective date of this ordinance that is in violation of any provision of this ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two (2) years. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of one hundred eighty (180) days or more it may not be reestablished. If two (2) or more adult businesses or sexually oriented adult businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later established business(es) shall be considered nonconforming. An adult business or sexually oriented adult business lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a dwelling, church, house of worship, day care center, school, playground, public swimming pool or public park.

(G) Severability.

It is hereby declared to be the intention of the board that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this article is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article, since the same would have been enacted by the Board of Commissioners without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 4.13A. Video Gaming Machines.

(A) Authority.

The provisions of these regulations are adopted by the Brunswick County Board of Commissioners under authority granted by the General Assembly of the State of North Carolina, in Chapter 14, Article 37, §14-306.1(c) of the General Statutes. From and after the effective date and hereof, these regulations shall apply to every building, lot, tract, or parcel of land within Brunswick County.

(B) Intent.

It is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon adjacent areas. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. For the purpose of promoting the health, safety, morals and general welfare of the citizenry of Brunswick County, this article is adopted by the Board of Commissioners to regulate video gaming machines, as hereby defined, located in the jurisdiction of the county. Further the regulations of this article have been made with reasonable consideration, among other things, as to the character of the county and its areas and their peculiar suitability for these businesses.

(C) Abrogation.

These regulations shall not repeal, impair, abrogate or interfere with any existing easements, covenants, deed restrictions, setback requirements, rules, definitions, regulations previously adopted pursuant to law in any established zoning district in Brunswick County. However, where these regulations impose greater restrictions, the provisions of these regulations shall govern.

(D) Definitions.

For the purpose of these regulations, the following definitions shall apply:

(1) Video Gaming Machine:

As defined in Section 14-306.1 (c) of the North Carolina General Statutes.

(E) Application of Regulations.

Video gaming machines shall be regulated as to location in the following manner in addition to any other requirements of this code:

(1) No video gaming machine shall be permitted in any building:

- (a) located within fifteen hundred feet (1,500') in any direction from a building used as a dwelling.
- (b) located within fifteen hundred feet (1,500') in any direction from a building in which an adult business or a sexually oriented business is located.

- (c) located within fifteen hundred feet (1,500') in any direction from a building used as a church, synagogue, other house of worship or cemeteries.
 - (d) located within fifteen hundred feet (1,500') in any direction from a building used as a public school or as a state licensed day care center.
 - (e) located within fifteen hundred feet (1,500') in any direction from any lot or parcel on which a public playground, public swimming pool, or public park is located.
 - (f) located within fifteen hundred feet (1,500') in any direction of any publicly owned or operated facility.
 - (g) located within fifteen hundred feet (1,500') in any direction from a building in which a video gaming machine is located.
- (2) No more than three (3) video gaming machines shall be located in the same building or structure or on the same lot.
- (3) Video gaming machines shall be located only in a H-M (Heavy Manufacturing) Zoning District as a permitted accessory use and shall be established by Special Exception approval of the Board of Adjustment.
- (4) All minimum lot requirements of the H-M Zoning District shall be met.

(F) Nonconforming Video Gaming Machines:

Any video gaming machine lawfully operating as of the effective date of this ordinance that is in violation of any provision of this ordinance shall be deemed a nonconforming use. Any use which is determined to be nonconforming by application of the provisions of this section shall be permitted to continue for a period not to exceed two (2) years. Such nonconforming uses shall not be increased, enlarged, extended or altered, except that the use may be changed to a conforming use. If a nonconforming use is discontinued for a period of one hundred eighty (180) days or more it may not be reestablished. If a location or site that has up to three (3) video gaming machines is within one thousand (1000) feet of any other location or site that has up to three (3) video gaming machines and is otherwise in a permissible location, the business which was first established and continually operating at its present location shall be considered the conforming use and the later established business(es) shall be considered nonconforming. A video gaming machine lawfully operating as a conforming use shall not be rendered nonconforming by the subsequent location of a dwelling, church, house of worship, day care center, school, playground, public swimming pool or public park.

(G) Severability.

It is hereby declared to be the intention of the board that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section

of this article is declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article, since the same would have been enacted by the Board of Commissioners without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Part C. Overlay Districts.

Section 4.14. Purpose.

Overlay Districts are Zoning Districts which are applied only in conjunction with a traditional Zoning District, and may grant additional use and development requirements upon the Underlying Zoning Districts. The effect is to have both the Overlay District and the Underlying Zoning District control the use and development of land placed into any Overlay District.

Overlay Districts support specific public policy objectives as are to be found in the comprehensive plan.

An Overlay District may be initiated as an amendment by the property owner, by the Planning Board, or by the Board of County Commissioners.

Section 4.15. ED – Economic Development District.

(A) Intent.

The purpose of the Economic Development District (ED) is to provide locations for a wide range of agricultural industry, light and heavy manufacturing, office, institutional and research uses with no adverse impacts beyond the space occupied by the use.

The Economic Development District shall only be applied to lands in close association with those Major Thoroughfares identified in the Major Thoroughfare Plan, and over lands in the RU-Rural Zoning District. This District is designed to support specific public policy objectives stated in the C.A.M.A. Land Use Plan.

A Zoning Map change either establishing or changing any lands into or out of this Economic Development Overlay District shall be subject to the same procedures and requirements as any other Zoning Map change. The more liberal requirements of the Underlay Zoning District and of the Overlay Zoning District shall apply in any interpretive construction of this Section.

(B) Application Criteria.

- (1) No land ownership less than ten (10) acres is eligible for the application of the Economic Development Overlay District.

- (2) No uses shall be located in an Area of Environmental Concern as defined by the N.C. Coastal Area Management Act.
- (3) All operations other than loading or unloading shall be conducted entirely within the building or buildings.
- (4) The Performance Standards of the CM-Commercial-Manufacturing Zoning District shall apply.
- (5) The sign standards of the RU-Rural Zoning Districts shall apply.
- (6) No lot shall be less than one acre in size nor have less than one hundred feet (100') in width.

Section 4.16. Water Quality Protection District.

(A) Intent.

It is the intent of Brunswick County to bolster those regulations of state and federal government as to the unique quality of the water of the Lockwood Folly River associated with naturally occurring shellfish beds.

Such waters have been defined by the state as being those waters south from a line extending from Genoes Point to Mullet Creek, to and across the Intracoastal Water to Sheep Island.

The quality of these defined waters has been affected by such activities as forestry, farming, construction of roads, growth of towns, and rural and suburban residential development, as well as industrial processes associated with the fishing industry.

Numerous types of water pollutants have been identified by state studies. No one or even several types or causes of such degradation have been determined as having more impact than any other.

Among the specific studies have been the March, 1989 publication entitled Report on Coastal Resource Waters – Intensive Study, by the Division of Environmental Management, N.C. Department of Natural Resources and Community Development, and the August, 1989, publication entitled Lockwood Folly River Basin Water Quality Evaluation Report. Those studies are included by reference.

The State of North Carolina concluded the quality of the waters therein had so declined there could be no assurance the proposed regulations would result in the goal of these waters being open full seasons for shell fishing. The Environmental Management Commission did, under N.C. Administrative Code, SubChapter 2B, Surface Water

Standards, Monitoring, Section .0219, Water Quality Management Plans, sub-section(b) establish a defined area of the mouth of this river, as above described, to be protected by a Water Quality Management Plan with specific actions which became effective January 1, 1990, included herein by reference.

The intent of this Water Quality Protection District is to apply a set of regulations for water quality protection, to specifically described areas of land abutting a specifically described water area; which is encompassed by a line drawn to extend across the river from Genoe's Point to Mullet Creek, southly to and across the Atlantic Intracoastal Waterway.

These land area at the time of the enactment of this Chapter have urban character, including one large undeveloped land are identified on numerous maps as Sheep Island.

This District is established as a District which overlays other Zoning Districts.

(B) Application Criteria.

- (1) Lands covered are shown on a special Zoning Overlay Map made a part of this District, whereby all land parcels of public record included are clearly shown. This District includes an area extending 575' landward of the mean high water line, with any lot or parcel falling within such distance being included entirely within this overlay zone.
- (2) Development on a lot, as defined in this Chapter, when the lot is one acre or more in size;
 - (a) Will require an approved Sedimentation Erosion Control Plan be filed, and, further,
 - (b) Must limit the built upon impervious area to no more than twenty-five percent (25%) of the lot, and
 - (c) Must provide a buffer zone of at least thirty feet (30') from any wetland or water line, and
 - (d) Must limit any structures to being at least seventy-five feet (75') from the mean high water line.

Section 4.17. Transportation Overlay Zone.

(A) Intent.

The intent of the Transportation Overlay Zoning (TOZ) is to ensure that lands adjacent to major transportation corridors be developed in a manner that encourages appropriate land usage, maintains the scenic natural beauty of the area, and promotes the health and general welfare of the public. Moreover, Transportation Overlay Zoning serves to facilitate the provision of transportation by promoting the safe and efficient movement of traffic by encouraging development which reduces or eliminates commercial strip development, excessive driveway cuts, visual clutter and poor site layout.

Transportation Overlay Zones are superimposed along designated highways which extend across Brunswick County's planning and zoning jurisdiction. As an overlay zone, it does not control the permitted or conditional uses (Special Exceptions) therein, but provides additional development requirements and standards which are applied within the coverage area for commercial or industrial uses only.

(B) General Application.

- (1) The Transportation Overlay Zone shall apply to the following Brunswick County thoroughfares and major highways:
- US Highway 17 Bypass from New Hanover County line to South Carolina border.
 - NC Highway 211 from Columbus County line to US Highway 17 at Supply.
 - Intersection of US Highway 17 and NC Highway 211 at Supply and NC Highway 211 southeast toward the City of Southport in the unincorporated Brunswick County planning area.
 - NC Highway 130 from boundary of Town of Shallotte's planning jurisdiction northwest toward Columbus County line.
 - US Highway 74/76 from Brunswick County line northwest to Columbus County line.
 - NC Highway 133 from Town of Belville's planning jurisdiction southeast to City of Boiling Spring Lakes' planning jurisdiction and continuing southeast to NC Highway 87 and NC Highway 133 connection.
 - Intersection of US Highway 17 and NC Highway 904 to the Town of Sunset Beach's planning jurisdiction.
 - Long Beach Road (NC Highway 133) from its intersection with NC Highway 211 toward the Town of Oak Island in the unincorporated Brunswick County planning area.

In general, the Brunswick County Transportation Overlay Zone shall follow property lines and identifiable geographic features located within six hundred sixty feet (660') from the North Carolina Department of Transportation (DOT) Right-of-way, as measured from and perpendicular to each side of the highway for any commercial or industrial use.

(1) Exemptions.

The following use(s) shall be exempt from provisions listed in the Transportation Overlay Zone.

- a. Single Family Dwellings and Class A, B and C Manufactured Dwellings, as prescribed in underlying zoning district.

(2) Definitions.

(a) Access Point: A public or private point of ingress and/or egress. All access points shall be in accordance with Article 5 Section 5.104(D) Driveways/Aisles, and designed, constructed and maintained according to the North Carolina Department of Transportation's *Policy on Street and Driveway Access to North Carolina Highways* and subject to the following:

(i) New Lots: All new lots, parcels or divisions of land shall be provided one (1) access point/driveway to the highway. New and/or additional access points on controlled or limited access highways (e.g., US Highways 17 and 74/76) must be granted by NC DOT. Additional access points on all other highways designated in this Section may be permitted only after showing actual necessity and approved by NCDOT in accordance with the North Carolina Department of Transportation's *Policy on Street and Driveway Access to North Carolina Highways*.

For all other designated highways, direct driveway access should be no closer than one hundred fifty feet (150'), measured centerline to centerline.

(ii) Lots of Record: Any lot of record recorded prior to October 2, 2000 shall be allowed one (1) access point, except for controlled or limited access highways (e.g., US Highways 17 and 74/76). Additional access points on all other highways designated in this Section may be permitted only after showing actual necessity and approved by NCDOT in accordance with the North Carolina Department of Transportation's *Policy on Street and Driveway Access to North Carolina Highways*. New and/or additional access points on controlled or limited access highways must be granted by NC DOT.

For all other designated highways, direct driveway access (for lots of record only) may be allowed to be one hundred feet (100') apart, measured centerline to centerline.

(iii) Corner Lots: Corner lots may have one (1) access point from each road, except for controlled or limited access highways (e.g., US Highways 17 and 74/76). New and/or additional access points on controlled or limited access highways must be granted by NC DOT.

- (iv) Residential Subdivision/PUD Access: All residential lots with road frontage and approved as part of a major subdivision or Planned Unit Development (PUD) by the Brunswick County Planning Board, shall be served internally by an access road designed, constructed, and maintained in accordance with the Brunswick County Subdivision Ordinance and the North Carolina Department of Transportation's *Subdivision Roads Minimum Construction Standards*.
- (b) Joint Access Point: The use of joint access points/driveways to serve adjacent parcels abutting thoroughfares and major highways are required for new lots where there is less than one hundred fifty feet (150') between access points/driveways. Joint access points are encouraged for lots of record recorded prior to October 2, 2000. Joint access points/driveways should be in accordance with design, construction, and maintenance standards set forth in the North Carolina Department of Transportation's *Policy on Street and Driveway Access to North Carolina Highways*.
- (c) Protective Yard: A landscaped yard area which contains no buildings, vehicular surface areas (with the exception of a vehicle access driveway and/or twenty foot [20'] wide access road) to promote interconnectivity between parcels. Subsurface stormwater facilities and underground septic areas including drainfields are allowed within the protective yard).

(C) Plan Review Procedures.

- (1) The applicant shall submit a site development plan and a landscape plan of the parcel to the Brunswick County Planning Department. The Planning Director or designee will review the site plan in accordance with development standards set forth in this section and make any recommendations to the applicant, if necessary.
- (2) Upon approval of the site plan by the Brunswick County Planning Department, the applicant shall submit the site plan for approval by the North Carolina Department of Transportation.
- (3) Following approval of the site plan and proposed use by the Brunswick County Planning Department and NC DOT, and approval of the landscaping plan by the Brunswick County Planning Department, the respective property development permits may be issued.
- (4) Respective permits may then be issued at each phase of development and only in accordance with the approved site development plan.

- (5) Any subsequent change or expansion which was not previously shown and approved as part of the initial site development plan, must be resubmitted to the Planning Department for review and approval. Further review by NC DOT may be necessary.

(D) Development Standards.

The use and development of land or structures within the Transportation Overlay Zone shall comply with the use and development regulations applicable to the underlying zoning district, except that the following regulations shall apply wherever they are more restrictive than those of the underlying zoning district.

(1) Minimum Lot Requirements (Area and Width)
Per Principal Use or Structure

WITH WATER AND SEWER:

Lot area – No minimum square footage required, except for those uses in which the underlying zoning district requires a minimum lot area.

Lot width- 100 feet when the lot directly abuts a designated highway, except for those uses in which the underlying zoning district requires a lot width greater than 100 feet.

Any lot that does not abut a designated highway shall conform to the underlying zoning district.

WITHOUT WATER AND SEWER:

Lot area – No minimum square footage required, except for those uses in which the underlying zoning district requires a minimum lot area.

Lot width- 100 feet when the lot directly abuts a designated highway, except for those uses in which the underlying zoning district requires a lot width greater than 100 feet.

Any lot that does not abut a designated highway shall conform to the underlying zoning district.

(2) Signs.

- (a) All signs within the Transportation Overlay Zone shall comply with requirements set forth in Article 5 Part B. Signs.

(3) Maximum Building Height.

Maximum Building Height shall be in accordance with Section 6.101(C)

(4) Stormwater Management.

Stormwater management shall meet the requirements of the Brunswick County Stormwater Ordinance or any other applicable stormwater management ordinance within any designated 201 service area.

(5) Maximum Lot Coverage

Maximum lot coverage by total impervious surfaces (i.e., paving, walkways) shall be eighty percent (80%) of the lot area in accordance with the Brunswick County Stormwater Ordinance.

(6) Minimum Yard Requirements.

- (a) Front yard – Fifty foot (50') protective yard from the NC DOT Right-of-way of TOZ designated route, landscaped in accordance with Section 4.17.(D)(9)(a)(2) or left in a naturally wooded state.

For lots of record less than one (1) acre, the protective yard may be reduced to a maximum of twenty-five feet (25') and landscaped in accordance with Section 4.17.(D)(9)(a)(2) or left in a naturally wooded state.

In any instance, maximum impervious surface area shall not exceed eighty percent (80%).

- (b) Rear yard – Ten feet (10') from the property line.

Twenty-five feet (25') from the edge of the right-of-way of an access road if access points are onto an access road.

- (c) Side Yard - Fifteen feet (15') from the adjacent side yard property line(s), twenty-five feet (25') adjacent to street.

Twenty feet (20') side yard requirement if property adjoins residential zoning and shall meet landscaping and buffering requirements set forth below.

(7) Corridor Access

- (a) Driveways for lots of record prior to October 2, 2000 shall be no closer than one hundred feet (100') from each other, unless the driveway is connected to an access road. Joint use driveways are encouraged.

- (b) Driveways for new lots shall be no closer than one hundred fifty feet (150') from each other, unless the driveway is connected to an access road.
 - (i) To meet the driveway requirements stated above, joint use driveways are encouraged between two adjoining sites. The driveway centerline may be the common property line. In such cases, cross access corridors should be provided.
 - (ii) Cross-access corridors, where utilized, shall be designed to provide unified circulation and access between sites.
 - (iii) Where a cross access corridor is developed, the owners/developers of the affected properties shall provide for mutually coordinated parking, access and circulation systems, and shall provide design features as necessary to make it visually obvious that abutting properties shall be tied together to create a unified system. If a site is developed adjacent to an undeveloped piece of property, it shall be designed so that its parking, access and circulation are easily tied together to create a unified system at a later date. If the building site abuts an existing developed property, it shall tie into the abutting parking, access and circulation to create a unified system.
- (8) Off-Street Parking.
 - (a) Off-street Parking and Loading Spaces shall be in accordance with Article 5 Section 5 Off-street Parking and Loading Spaces.
 - (b) Off-Street Parking areas containing ten (10) or more parking spaces (including loading spaces) shall be landscaped with a planting island of at least one hundred (100) square feet and one (1) island of same size for every ten (10) off-street parking spaces thereafter.
 - (c) Each planting island shall be landscaped, evenly distributed throughout the parking area, and contain ground cover which includes at minimum one (1) tree of at least one and one-half inch (1½") caliper and six (6) shrubs eighteen inches (18") in height at planting.
 - (d) All parking spaces shall be blocked or curbed to prevent vehicles from excessively overhanging into planting islands.

(9) Landscaping and Buffering.

It is the intent of the Transportation Overlay Zone that as much of the subject property as possible be left in an undisturbed or enhanced state of vegetation, and that sufficient areas of natural buffer remain so that the proposed use will be visually in harmony with the natural beauty and wooded character along the highway and within the NC DOT Right-of-way.

Property owners must ensure the survival and health of required trees in perpetuity. If any plant material dies, it must be replaced by the property owner within one hundred eighty (180) days.

(a) Landscaping

All required yards shall either be landscaped or left in a naturally wooded state. All protective yards shall be left in a naturally wooded state or landscaped in accordance with Section 4.17.(D)(9)(a)(2).

- (i) Interior landscaping shall be provided equal to eight percent (8%) of the gross paved area to be used for parking, loading, or vehicular use. Landscaping shall be in the form of green space islands, either separate or protruding, from the perimeter landscaping.
- (ii) Within every fifty feet (50') of lot frontage along any road, a planting area eight feet (8') in depth shall be located immediately adjacent to the property line. The planting area shall contain one (1) tree eight feet (8') in height, or three (3) flowering trees five feet (5') in height, and six (6) shrubs eighteen inches (18") in All height. Height measurements shall be at the time of planting.
- (iii) All interior plantings shall be curbed or blocked for protection.
- (iv) Interior green space areas shall be located to most effectively accommodate stormwater runoff and contribute to orderly circulation of vehicular and pedestrian traffic.
- (v) Where it can be demonstrated that other areas on the site are insufficient to meet retention/detention requirements, stormwater retention/detention facilities shall be allowed to encroach into the protective yard a maximum of 40%. Such facilities must blend into the landscape and be aesthetically pleasing. (Example: Protective yard is 50 feet x 100 feet or 5000 square feet. Stormwater retention/detention facilities may cover up to 2000 square feet [40% of 5000 square feet]of that area).

Subsurface stormwater facilities and underground septic areas including drainfields are allowed within the protective yard, without having to meet the forty percent (40%) maximum encroachment coverage.

- (vi) When, for any reason an existing commercial use without a previously approved landscaping plan is expanded, the property owner shall submit a landscaping plan consistent with the requirements of this section.

(b) Residential Buffers

Where a tract or parcel being developed directly abuts a residential zoning district, the area between the side yard property line(s) shall be labeled as a "buffer area."

No activities shall occur in the buffer area except for maintenance of the buffer and the installation of water, sewer, electrical and other utility systems.

The buffer area may include existing natural vegetation, or a staggered row of evergreen trees or shrubs which give, at minimum, seventy-five percent (75%) opacity within one (1) year of planting. Cooperative Extension may be consulted for appropriate vegetation and planting cycle. (See buffering Section in Article 6 of the Brunswick County Zoning Ordinance for recommended plantings). Artificial Fencing and/or Wall Requirements per Article 5 Section 5 may be incorporated to provide adequate buffering between districts. Berms will be allowed in rear yards only.

(10) Outdoor Lighting.

Ornamental lighting features designed to compliment the character of the development and integrated throughout the surrounding landscape is encouraged.

Outdoor lighting shall be internally oriented and shall not exceed forty feet (40') in height.

(E) Variances.

The Brunswick County Zoning Board of Adjustment shall hear, review and decide any appeals by the applicant regarding any decision or requirement made under these regulations.

ARTICLE 5. DEVELOPMENT STANDARDS

Part A. Off-Street Parking and Loading Space.

Section 5.1. Statement of Intent.

Vehicles require adequate space in safe operating and parking conditions for all land uses, public and private. Yet Brunswick County has a unique and sensitive environment whereby space for vehicle parking and loading should have the least necessary impervious surface, should not drain directly into the waters of the county, and should be adequately designed for either on-site absorption of or disposal of such vehicular wastes such as oils.

Brunswick County is dependent upon its tourists and seasonal visitors for sustenance of the economy. In keeping with a tourist economy is the need for presentation of a harmonious image. Landscape features to buffer large areas for parking and loading are required for such economic protection of the county, and for relief from heat build-up of large surface areas.

Section 5.2. Plans Required.

No Building Permit, certificate of Zoning Compliance, or Certificate of Occupancy shall be issued for uses of land, structures, and buildings, either initially or for a change in use or expansion of an existing use, unless the off-street parking and loading requirements of this Article are satisfied.

Applications for permits and/or certificates shall include information as to location and dimension of off-street parking, and means of ingress and egress to such space, a copy of the Sedimentation and Erosion Control Plan prepared and filed under N.C. Statute for same, and a showing of shrubbery areas, trees to be saved or added, berms, proposed fences or walls, proposed surface materials, proposed lighting, and written assurance the N.C. Statute on handicapped parking will be satisfied.

Section 5.3. Off-Street Parking and Loading.

The purpose of off-street loading requirements is to assure a proper and uniform development of off-street loading areas and to relieve traffic congestion in the streets, the off-street loading requirements will apply to business and manufacturing zoning districts.

Section 5.4. Design Standards.

(A) Paving.

Paving of parking and loading spaces is not required long as soil stabilization is provided to assure ruts and pot holes will not occur, and that there will be minimal dust created by driving and maneuvering.

(B) Space Size.

Each parking space shall contain a rectangular area at least eighteen feet (18') long and nine feet (9') wide. Lines demarcating parking spaces may be drawn at various angles

in relation to curbs or aisles, so long as the parking spaces so created contain within them, the rectangular area required by this section.

(C) Lighting.

Any lighting shall be internally oriented and shall not exceed forty feet (40') in height.

(D) Driveways/Aisles.

Driveways and aisles shall be not less than eighteen (18) feet in width for one way traffic and twenty-four feet (24') in width for two way traffic. However, eighteen foot (18') wide driveways are permissible for two-way traffic when (i) the driveways is not longer than seventy-five feet (75'), (ii) it provides access to not more than six (6) spaces, and (iii) sufficient turning space is provided so that vehicles need not back into public street. Further, eighteen foot (18') wide driveways may be permitted for two-way traffic if the administrator determines that not more than ten (10) trips per day will be generated to and from the vehicular area being served by that driveway and such vehicular area is not used by the general public.

(E) General Requirements.

Parking areas shall be designed to allow unobstructed movement into and out of each parking space without interfering with fixed objects such as lighting fixtures, dumpsters, signage, or vehicles.

All parking areas shall be designed to provide for internal circulation such that each parking space is accessible to all other parking spaces without necessitating the use of a public street or alley.

(F) Parking For The Disabled.

In accordance with the N.C. Building Code the following numerical requirements shall apply for handicapped/disabled spaces:

Total Number of Spaces in Lot	Minimum Number of Accessible Spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
150-200	6
201 or more	7 plus one per every 100 over 700

(G) Buffering & Green Space Requirements.

For parking lot requiring twenty (20) or more parking spaces, there is to be a shrubbery bed at least four feet in height and five feet in width provided at all exterior property lines excepting along street frontage, to filter storm waters and to be a visual buffer.

In addition to buffering standards set forth elsewhere in this section, each parking area with twenty (20) spaces or more shall provide one (1) green space island for each twenty (20) spaces or fraction thereof. Each island shall consist of not less than one hundred forty-four (144) square feet of unpaved area and be planted with a tree at least five feet (5') in height. Such islands shall be located in such a way to promote the harmonious integration of the parking area into the natural environment.

(H) Satellite And Cooperative Parking.

In instances where all required parking space cannot be provided on the same lot as the principal use, it may be provided on separate land, but at least fifty percent (50%) of such required parking must be on the site of the principal use. Such satellite parking areas must be within five hundred feet (500) of the lot containing the principal use, and such areas must be in a zoning district permitting parking as a principal use.

Cooperative provision of required parking space is encouraged, with the plans for permits clearly showing assignment of spaces to each principal use to be served. The Planning Director and/or the Zoning Administrator is hereby granted authority to approve innovative or cooperative parking arrangements when the public interest is served and protected.

Section 5.5. Minimum Off-Street Loading Space Requirements.

The following minimum loading space requirements shall apply for the appropriate use:

Type of Use	Gross Floor Area (Square Feet)	Required Number of Loading Spaces
Office	0-4,999	None
Restaurant	0-4,999 5,000-49,999	None One (1)
Hotel or Motel	0-49,999 50,000-99,999 100,000+	None Two (2) Two (2) plus one for each 100,000 square feet of gross floor area in excess of 100,000 square feet

Type of Use	Gross Floor Area (Square Feet)	Required Number of Loading Spaces
Other Commercial Establishments	0-4,999 5,000-19,999 20,000-49,999	None One (1) Two (2)
Shopping Centers or Industrial Uses	50,000-79,999 80,000-99,999 100,000-149,999 150,000+	Three (3) Four (4) Five (5) Five (5) Five (5) plus one for each 50,000 square feet of gross floor area in excess of 150,000 square feet

Each loading berth shall be a minimum of twelve feet (12') wide and fifty-five feet (55') long with a height clearance of fourteen feet (14').

Section 5.6. Parking Decks and Parking Garages.

Required parking and loading spaces need not be at ground level. Decks and garages will be treated either as part of the principal structure and subject to all requirements over such structures, or as principal uses by themselves, meeting all requirements for principal structures and uses when permitted.

Section 5.7. Number of Spaces Required.

Calculation of spaces shall be in whole units only. If calculation results with a fraction, that fraction is eliminated from the requirement.

Each use shall provide the following off-street parking:

Building Type	Number of Spaces
Single Family Dwelling	Two (2) spaces per dwelling unit
Two Family Dwelling	Two (2) spaces per dwelling unit
Multi Family Dwelling	Two (2) spaces per dwelling unit
Residential Homes	One (1) space per bedroom
Rooming Houses/Boarding Houses	One (1) space per bedroom
Bed and Breakfast, Hotels, Motels, Hunting and Fishing Lodges	One (1) space for each room to be rented

Building Type	Number of Spaces
Tourist Homes and other temporary residences renting by day or week	Two (2) spaces per bedroom
Church	One (1) space for each three (3) seats in the sanctuary
Clinics, Medical	Four (4) spaces for each doctor plus one (1) parking space for each employee
Day Care Facilities	One (1) space for each employee and four (4) beds intended for patient use, plus one (1) per employee on largest shift
Fraternity or Sorority	One (1) space for each resident
Funeral Homes	One (1) space for each three (3) seats in the chapel, plus one for each funeral vehicle
General or Professional Offices/Professional Services	One (1) space for each four hundred (400) square feet of gross floor space
Golf course, par 3	Three (3) spaces for each hole plus requirements for any other use associated with the golf course
Home Occupations-Medical Doctors, Dentist Offices and/or beauty salons in residence	Three (3) spaces in addition to the residence requirements
Home Occupations (except medical doctor, dentist offices and/or beauty salons)	Two (2) spaces in addition to the residence requirements
Miniature Golf	1.5 spaces per hole, plus requirements for any other use associated with the golf course
Nursing Homes/Hospitals	One (1) parking space for each employee and four (4) beds intended for patient use, plus one (1) per employee on largest shift
Public or Private Clubs, Community Centers, Union Halls, or other buildings without fixed seats including Retreat Centers	One (1) space for each one hundred (100) square feet of gross floor space
Restaurant	One (1) space for each 3 seats plus one (1) space for each two (2) employees
Restaurant, drive in – Take out	Five (5) spaces plus one (1) space for each two (2) employees or one (1) space for each serving station or whichever is larger
Stadiums	One (1) space for each 3 spectator seats
Banks and other Financial Institutions	One (1) space for each two hundred (200) square feet of gross floor space plus one (1) space for each two (2) employees

Building Type	Number of Spaces
Libraries and Museums	One (1) space for each four hundred (400) square feet of gross floor space
Government Offices	One (1) space for each three hundred (300) square feet of gross floor space
Convenience Stores	One (1) space for each one hundred and fifty (150) square feet of gross floor space
Wholesale Sales	One (1) space for each four hundred (400) square feet of gross floor space
Shopping Center	One (1) space for each two hundred (200) square feet of gross floor space for 80% of the building
Elementary Schools	Two (2) spaces for each classroom plus one (1) space for each administrative offices
Junior High Schools	Two (2) spaces for each classroom plus one (1) space for each administrative offices
High Schools	One (1) space for each ten (10) students plus one (1) space for each classroom and administrative offices
Colleges	One (1) space for every four hundred (400) square feet of classroom and administrative gross floor space plus one (1) space for every dormitory room
Bowling Alleys	Four (4) spaces per bowling lane
Movie Theaters, Auditoriums	One (1) space for each 3 seats
Industrial or Manufacturing Establishment or Warehouse including wholesale services	One (1) space for each two (2) employees during the shift of greatest employment, plus one (1) space for each managerial personnel, plus one (1) visitor's space for each five (5) managerial spaces
Neighborhood or Community Building	One (1) space for every four (4) seats within the building
Retail Business, Service operations including garages	One (1) space for each four hundred (400) square feet of gross floor space if not mentioned above
Commercial Recreation	One (1) space for every two hundred (200) square feet of gross floor space if not mentioned above

Section 5.8. Unlisted Uses.

In the event a proposed use is not specifically listed in Section 5.6, the Zoning Administrator may establish the parking requirements for such proposed use based on such things as

documentation provided by the applicant, requirements for similar uses and requirements in other comparable jurisdictions.

Part B. Signs.

Section 5.9. Statement of Intent.

It is the intent of this section to permit signs of a commercial, industrial, and residential nature in districts which have uses with appropriate need for signs and to regulate the size and placement of signs intended to be seen from a public right-of-way or public waters.

Signs including outdoor advertising structures are herein regulated for the intent of regulating excess signage, encouraging the positive economic development of the County, preserving and improving tourism views, promoting the safety of the traveling public, protecting existing property values in both residential and non-residential areas, preventing the overcrowding of land and protecting the aesthetics of the County.

The regulations are designed to prevent overconcentration, improper placement, and excessive height, bulk number and area of signs. It is recognized that, unlike on-premise identification signs which are (in actuality) a part of a business, off-premise outdoor advertising is a separate and distinct use of the public thoroughfare. Because of these fundamental differences, off-premises outdoor advertising signs are regulated differently from on-premise signs.

Section 5.10. Definitions.

For the purpose of these regulations, the following words and phrases shall be defined as specified below.

(1) **Awning.**

A structure made of cloth, metal, or other material affixed to a building in such a manner that the structure may be raised or retracted from a building to a flat position against the building. An awning is not a canopy.

(2) **Building Wall.**

The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of these regulations, the area of a wall will be calculated for only the first three stories, or 40 feet maximum height of a building, whichever is less.

(3) **Canopy.**

A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

- (4) Changeable Copy.
Copy that is or can be changed manually in the field or through mechanical means. [e.g., readerboards with changeable letters.]
- (5) Copy.
Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.
- (6) Farm Product Sign.
Seasonal sale of farm products raised on the premises where products are raised as an accessory to an agricultural use.
- (7) Grade.
The height of the top of the curb, or if no curb exists, the height of the edge of the roadway surface.
- (8) Intersection.
A place or area where two or more roads meet or cross.
- (9) Linear Frontage.
The length of a property abutting a public right-of-way from one side lot line to another.
- (10) Logo.
A business trademark or symbol.
- (11) Parapet.
That portion of a building wall or false front that extends above the roof line.
- (12) Premises.
A parcel or lot of real property with a separate and distinct number or designation shown on a recorded plat, record of survey, parcel map, subdivision map, or a parcel legally created or established pursuant to applicable land use regulations. (Outparcels of shopping centers shall be considered on the premises of the shopping center for the purpose of these regulations.)

(13) Roof Line.

The highest point of a flat roof and mansard roof and the lowest point of a pitched roof, excluding any cupolas, chimneys or other minor projections.

(14) Sign.

Any object, device, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product; or a scoreboard located on athletic fields.

(15) Sign Face Area.

The area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustrations, or ornamentations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.

(16) Sign Height.

The distance measured from the highest point of a sign, including any molding, trim, border, or frame above the roadway surface from which the sign is to be viewed.

(17) Sign Structure Or Support.

Any structure that supports or is capable of supporting a sign, including decorative cover.

(18) Sign Types.

Types of signs regulated by this ordinance shall include, but are not limited to the following:

(a) Banner.

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, education, or corporate organizations.

(b) Bulletin Board.

A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

(c) Business Sign.

A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to type of products sold, manufactured or assembled; and/or to services or entertainment offered on said premises.

(d) Campaign or Election Sign.

A sign that advertises a candidate or issue to be voted upon on a definite election day.

(e) Construction Sign.

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, contractor, financier, or others involved in the development of the project.

(f) Directional or Instructional Sign: On-Premises.

A sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may not be included on the sign.

(g) Free-Standing Sign.

The general term for any sign which is supported from the ground and not attached to a building.

(h) Ground Mounted Sign.

A free-standing sign which extends from the ground or which has a support which places the bottom thereof less than 2 feet from the ground.

- (i) Government Sign.
Any temporary or permanent sign erected and maintained for any governmental purposes.
- (j) Flag.
A piece of durable fabric of distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.
- (k) Flashing Sign.
A sign that uses an intermittent or flashing light source to attract attention.
- (l) Identification Sign.
A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.
- (m) Illuminated Sign.
A sign either internally or externally lighted.
- (n) Nonconforming Sign.
Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of these regulations, and which fails to conform to all applicable standards and restrictions of these regulations.
- (o) Off-Premises Sign.
A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered at a location other than the premises on which the sign is erected.
- (p) On-Premises Sign.
A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered on the premises on which the sign is erected.
- (q) Outdoor Advertising Structure.
A sign or billboard designed to carry outdoor advertising including all free standing, off-premise signs. On-premise signs exceeding maximum

requirements allowed shall be considered as an Outdoor Advertising Structure.

(r) Portable Or Movable Sign.

A sign that is not permanently attached to the ground, a structure, or a building that can easily be moved from one location or another. [For example, a sign on wheels.]

(s) Real Estate Sign.

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

(t) Roof Sign.

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

(u) Temporary Sign.

A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this ordinance.

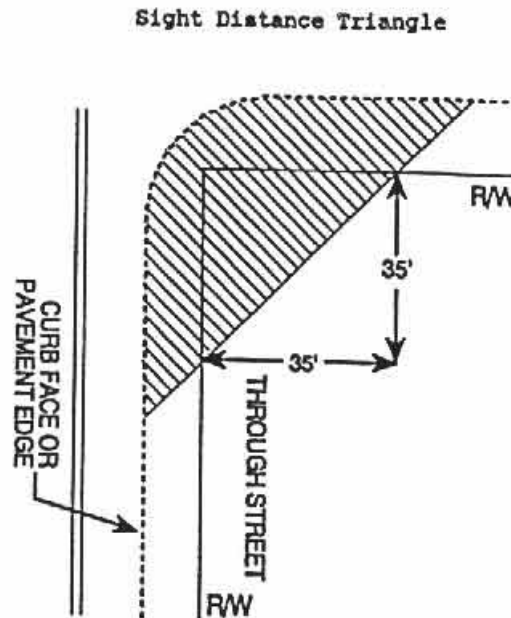
(v) Wall Sign.

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

(19) Site Distance Triangle.

The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the curb or a driveway), each point being thirty-five feet (35') from the intersection, and the two intersecting right-of-way lines (or a right-of-way line and a driveway) or fifty feet (50') back from the curb line, whichever is greater.

The following diagram illustrates how to compute a site distance triangle:



Section 5.11. Procedures.

(A) Permit Required.

Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a sign permit for such sign from the Zoning Administrator as required by these regulations.

Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of these regulations.

Any sign(s) determined to be erected or posted not in accordance with provisions contained in Article 5 may be subject to immediate removal and enforced pursuant to Article 7.

On determining that a violation exists, the owner, applicant or business shall be given written notice of the initial violation and notification that the sign(s) may be held at a designated location for collection by the owner, applicant or business for a period of no more than ten (10) days.

Any sign(s) determined to be in violation of Article 5 and not collected by the owner, applicant or business within the ten (10) day period of initial notice of violation, or where it is determined that there are subsequent violations by same owner, applicant or business beyond the initial notification, may be subject to immediate removal and destroyed.

(B) Application And Issuance Of Permit.

Applications for permits shall contain or have attached to it the following information:

- (1) The street number of the structure to which the sign is to be erected, and the tax parcel number for the zoning lot onto which the sign is to be located;
- (2) Names, addresses, and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign;
- (3) If the applicant is not the owner of the property on which the sign will be located, a copy of the lease agreement between the property owner and the applicant shall be required.
- (4) A site or plat plan of the property involved, showing accurate placement of the proposed sign including setbacks, all structures, etc. (see permit application);
- (5) Two (2) blueprints (one original and one copy) or scaled drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by the Zoning Administrator. All plans and specifications must meet the N.C. Building Code. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and the size of existing wall signs shall also be included;
- (6) Applications for permits for outdoor advertising structures, in addition to the above information shall contain a detailed site plan with setbacks and dimensions showing at least the following: the location of all outdoor advertising structures on the same side of the street, existing structures, driveways, etc.
- (7) Other information as the Zoning Administrator may require to determine full compliance with this and other applicable codes.

(C) Issuance Of Permits.

Upon the filing of an application for a sign permit, the Zoning Administrator shall examine the plans and specifications, and as deemed necessary, may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance

with all the requirements of these regulations and other applicable codes, a permit may be issued. Any permit issued in accordance with this Section shall automatically become null and void unless the work for which it was issued has visibly been started within six (6) months of the date of issue or if the work authorized by it is suspended or abandoned for one year.

(D) Fees.

To obtain a sign permit, all fees, in accordance with the approved fee schedule shall be paid.

Section 5.12. Construction and Maintenance Provisions.

- (A) Every sign and its supports, braces, guys, anchors, and electrical equipment shall be maintained in safe condition at all times. All signs shall be kept free from defective or missing parts or peeling paint and shall be able to withstand wind.
- (B) The Brunswick County Zoning Administrator shall possess the authority to order the painting, repair, alteration or removal of a sign which constitutes a hazard to the health, safety or public welfare by reason of inadequate maintenance, dilapidation, or obsolescence. Notice to the owner shall be by personal service or registered mail, return receipt requested. Upon notification owner shall have 60 days to complete repairs. Failure to complete repairs with appropriate time frame may result in the County proceeding with legal actions.
- (C) The immediate premises around a sign shall be kept free from debris. However, no person may damage, destroy, or remove any trees, shrubs or other vegetation located within the right-of-way of any public street or road for the purpose of increasing or enhancing the visibility of any sign.
- (D) Any sign permitted under this ordinance must comply with any applicable requirements of the building code, electric safety code, and other applicable federal, state or county codes.

Section 5.13. Reconstruction of Damaged Signs or Sign Structures.

- (A) Any conforming or permitted nonconforming sign or sign structure which has been damaged may be repaired and used as before, provided all repairs are initiated within 90 days and completed within 120 days of such damage. However, if the sign should be declared unsafe by the County Building Inspector, the owner of the sign or the owner of the property whereon the sign is located, shall immediately correct all unsafe conditions in a manner satisfactory to the County Zoning Administrator.

- (B) For purposes of this section a nonconforming sign (or its structure) shall be considered destroyed, and therefore shall not be repaired or replaced , if it receives damage to the extent of more than fifty percent of its value as listed for tax purposes by the County Tax Administrator. Signs destroyed by proven vandalism may be replaced, but may not be changed, altered, enlarged, from their original state.

Section 5.14. Nonconforming Signs.

All legal, non-conforming signs are permitted to exist, provided that the signs shall not be:

- (A) Changed, altered, or replaced by another nonconforming sign, except that copy may be changed on an existing sign.
- (B) Expanded or modified in any way.
- (C) Relocated, except in conformance with the requirements of this ordinance.

Section 5.15. Prohibited Signs.

The following signs shall be prohibited in all Zoning Districts:

- (A) Signs Obstructing View.

Any sign which obstructs the view of pedestrians, bicyclists and or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited. Any sign located in such a way as to deny a visual access to an existing sign.

- (B) Moving Signs.

Signs, other than government signs, which contain oscillating, fluctuating, flashing or blinking lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word "Stop, "Yield", etc.

- (C) Signs Obstructing Pedestrian Traffic.

Any sign located outdoors which interferes with free passage from or obstructs any fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.

- (D) Signs Located On A Street Or Right-Of-Way.

Any sign (other than a government sign) placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface and located in, over, or across any public street or right-of-way.

(E) Flashing Signs.

Flashing signs, signs with flashing or reflective disks, flashing lights or lights of changing degree of intensity or color or signs with electrically scrolled messages (except government signs and signs which give time and temperature information). This exemption applies only to the portion of the sign that displays time and temperature.

(F) Temporary, Nonpermanent Signs.

Temporary, nonpermanent signs, including over-head streamers, are not permitted in any zoning district, unless otherwise specified in these regulations.

(G) Scenic Corridor Off-Premise Signs.

Off-premise signs designed to be visible from a road designated as a Scenic Byway by the North Carolina Department of Transportation.

(H) Roof Signs.

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

(I) Illegal Activity.

Signs that display or advertise an illegal activity in North Carolina.

Section 5.16. Signs Permitted in All Districts.

The following signs may be allowed in all Zoning Districts and shall be exempt from other requirements of this ordinance:

(A) Government Signs.

Government signs including graphics usually of a commemorative nature such as obelisks and triumphal arches.

(B) Grave Markers.

Grave markers which are noncommercial in nature.

(C) Flags Or Pennants.

Flags, pennants, insignia, and symbols of any public or semi-public use.

(D) Architectural Features Of Buildings.

Integral decorative or architectural features of buildings and works of art, so long as such features or works do not contain letters, trademarks, or moving parts.

(E) On-Premises Instructional Signs.

On-premises instructional signs not exceeding six square feet in area.

(F) Identification Signs For Residential Uses.

Identification signs not to exceed four square feet on any lot.

(G) Campaign/Political Signs.

Campaign, election, and political signs of a non-permanent nature may be erected no sooner than sixty (60) days prior to the primary, run-off or general election. Within seventy-two (72) hours of the election (closing of polls), all signs must be removed.

(H) On Premise Price Signs.

Price signs at automobile service stations or other establishments engaged in the retail sales of gasoline. One (1) such sign is permitted for each side of a lot fronting on a public street, provided it does not exceed fifteen (15) square feet in area. Any such sign shall be affixed to a permitted freestanding identification sign, to a canopy support in the vicinity of the gasoline pumps, or flat-mounted against the wall of a building.

(I) Gasoline Service Pump Signs.

Signs announcing the location of gasoline pumps at any establishment engaged in the retail sale of gasoline. Such signs shall be located in the vicinity of the pumps and shall not exceed four (4) square feet in area.

(J) Personal Property And Real Estate Signs.

Temporary personal property signs and real estate signs advertising specific property for sale, lease, rent or development shall be located as follows:

- (1) One sign for each side of a lot fronting on a public street, advertising real estate or personal property "For Sale", "For Rent", "For Lease" or "For Development" not greater than six (6) square feet in area in a Residential District and thirty-two (32) square feet in area in nonresidential districts may be located on the property being advertised so long as said sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be permitted along the second street.
- (2) In addition to the on-site real estate sign(s), a maximum of three (3) directional signs, each not exceeding four (4) square feet in area, shall be permitted in other locations. The message of said signs shall be limited to the name of the property, and the terms "Lot/Home For Sale", "For Rent", "For Lease", "For Development", etc. All of these signs shall be located off the street right-of-way.
- (3) All such temporary signs shall be removed within seven (7) days after the property has been sold, rented, leased, etc.
- (4) No sign allowed under this subsection shall be lighted.

(K) Subdivision, Manufactured Home Park And Campground Identifications Signs.

Permanent subdivision, manufactured home park and campground identification signs not exceeding sixty-four (64) square feet total per entrance road. Identification signs may not exceed two (2) signs per main entrance and total square footage is not to exceed sixty-four (64) square feet.

(L) Temporary Construction Signs.

Temporary construction signs provided that such signs:

- (1) Shall not exceed ten (10) square feet each, which are in conjunction with any residential use. Signs in conjunction with all other uses shall have a maximum area of fifty (50) square feet each.
- (2) Shall not be illuminated.
- (3) Shall only appear at the construction site.
- (4) Shall be removed within seven (7) days after final approval or a certificate of occupancy has been issued.

(M) Temporary Farm Product Signs.

- (1) One on-premises sign may be used. Said sign shall be located off the street right-of-way and at least nine (9) feet away from any side lot line. Such sign shall have a maximum area of thirty-two (32) square feet and may not be illuminated.
- (2) A maximum of two off-premises signs shall be permitted. Said off-premises signs may be no greater than thirty-two (32) square feet a piece and shall not be illuminated. No such sign shall be allowed in the street right-of-way.

(N) Holiday/Special Events Signs.

Temporary special event signs, holiday decorations or banners for religious, charitable, civic, fraternal or similar nonprofit or not for profit organizations provided that no sign shall:

- (1) Be erected no sooner than thirty (30) days and removed no later than seven (7) days after the event.
- (2) Exceed thirty-two (32) square feet.
- (3) Be illuminated.
- (4) Be located in street right-of-way.

(O) Other Temporary Banners.

Other temporary banners for a nonresidential use located in a nonresidential district, provided that:

- (1) For a continuous period not to exceed fourteen (14) days, on-premises banners; balloons and other inflatable objects, pennants; and flags for special events and grand openings are permitted so long as said sign objects are not located in a street right-of-way. Within any calendar year, any use may be permitted temporary signs of this nature for no greater than three (3) fourteen (14) day periods.

(P) Yard Sale Signs.

One (1) on-premise and three (3) off-premises yard sale signs per yard sale. All such signs shall be removed within twenty-four hours after the yard sale has been terminated. No such sign shall be greater than four (4) square feet in area. All such signs shall be located off the street right-of-way.

(Q) Bulletin Boards.

Bulletin boards, with a maximum area of fifty (50) square feet.

(R) Directional Signs.

Directional Signs (for commercial and public and semi/public uses) provided that:

- (1) All such signs shall be located off the road right-of-way.
- (2) All such signs greater than three feet (3') in height as measured from the grade of the road upon which it fronts shall be located outside the required sight triangle as established by N.C. Department of Transportation standards.
- (3) There shall be no greater than four (4) signs on separate supports at any means of ingress and egress.
- (4) More than one sign may be placed on the same supports.
- (5) No two (2) signs hung from separate supports shall be located within five (5) feet of each other.
- (6) The maximum area shall be six (6) square feet.

Section 5.17. Types of Signs.

(A) Wall Signs.

- (1) No wall sign shall project more than six (6) inches from the building wall, canopy on supporting structure.

- (2) No wall sign or its supporting structure shall cover any window or part of a window.
 - (3) Canopy and awning signs are considered wall signs; in no instances shall such a sign extend over a right-of-way or public easement.
 - (4) A movie theater (i.e., readerboard) changeable copy wall sign shall be permitted with a one hundred percent (100%) increase in the maximum size permitted for wall signs in the district in which the theater is located.
 - (5) No portion of any wall sign shall be located more than thirty-five (35) feet above grade.
- (B) Free-Standing Signs.
All free-standing signs shall be at least five feet (5') behind the right-of-way. No sign shall be permitted in any sight distance triangle as defined in this ordinance.
- (C) On-Premises Signs.
On-premises signs are signs which are located on the property of the principle use which is being advertised. On-premises signs can be either wall or free-standing signs.
- (D) Off-Premises Signs.
Off-premises signs are signs which are located off the property of the principle use.

Section 5.18. Regulations for Outdoor Advertising Structures.

- (A) Outdoor Advertising Structures.
A sign or billboard designed to carry outdoor advertising including all free standing off-premise signs. On premise signs existing as of the effective date of this ordinance that exceeds the maximum requirements allowed shall be considered as Outdoor Advertising Structures.
- (B) New Outdoor Advertising Structures.
Permits may be issued only in the following locations and in accordance with the following standards:
- (1) Permitted Location: Property zoned C-LD, C-M, H-M.
 - (2) Maximum Sign Face Area: 378 square feet on major thoroughfares, 300 square feet on minor thoroughfares and 100 square feet on all other public roads.
 - (3) Maximum Height: 35 feet.
 - (4) Maximum Number of Sign Faces: 1 per side of sign not to exceed two sign faces.
 - (5) Setbacks: A minimum of fifteen feet from each property line.

(C) Existing Outdoor Advertising Structures.

Existing outdoor advertising structures shall be considered a legal nonconforming use and shall be allowed to remain, but shall not be altered in any way.

(D) Distance From Centerline.

Free standing signs shall be located within six hundred and sixty (660) feet of the centerline of the roadway to which they are oriented.

(1) Spacing:

- (a) On major thoroughfares, the minimum spacing requirements between off-premise signs shall be three thousand (3,000) linear feet from any other off-premise sign. Major thoroughfares are consistent with and the same as those listed in the most recently-adopted Brunswick County Thoroughfare Plan.
- (b) On minor thoroughfares, the minimum spacing requirements between off-premise signs shall be two thousand (2,000) linear feet from any other off-premise sign. Minor thoroughfares are consistent with and the same as those listed in the most recently-adopted Brunswick County Thoroughfare Plan.
- (c) On all other public roads in Brunswick County, the minimum spacing requirements between off-premises signs shall be one thousand (1,000) linear feet from any other off-premise sign.

(E) Distance From Residential Zones.

Free-standing signs shall be spaced the following minimum distances from residentially zoned property:

- (1) Fifty feet (50') from any structure;
- (2) Fifty feet (50') from any residential zone adjacent to a permitted zone away from the roadway.

(F) Additional Spacing Is Required As Follows.

- (1) Five hundred feet (500') from the centerline of an intersection;
- (2) Five hundred feet (500') from any bridge over a public waterway;
- (3) One hundred fifty feet (150') from any existing on premise sign on the same side of the road.
- (4) Two hundred fifty feet (250') from cemeteries, churches and public parks.

(G) Maximum Sign Area.

The maximum sign area of an off premises ground sign shall be limited, depending on location, as follows:

- (1) On major thoroughfares, the maximum sign size shall be three hundred seventy-eight (378) square feet.
- (2) On minor thoroughfares, the maximum sign size shall be three hundred (300) square feet.
- (3) On all other public roads in the County, the maximum sign size shall be one hundred (100) square feet.

(H) Wall Attachment.

An off-premises sign attached to the wall of a structure may not exceed thirty (30) percent of the total surface area of the wall on which the sign is located. No off-premises sign may be located on the same wall as any other off-premises sign.

(I) Height.

Off-premises ground signs shall not exceed thirty-five (35) feet above the roadway surface from which the sign is to be viewed.

Part B: On Premises Signs

Section 5.19. Signs Permitted in Residential Low Density (R-7500), Residential Medium Density (R-6000), Neighborhood Commercial (NC), and Site Built R-6000 (SBR) Districts.

For any permitted non residential use:

(A) Types Of Signs Permitted.

- (1) Wall.
- (2) Free-standing.

(B) Permitted Number Of Signs.

- (1) Unlimited wall signs and one (1) free-standing per lot per public street front.
- (2) No two signs identifying or advertising the same use shall be located closer than one hundred (100) feet from each other measured by using the shortest straight line distance.

(C) Maximum Area Of Sign.

Sixty-four (64) square feet.

- (D) Maximum Height.
Ten (10) feet.

Section 5.20. Signs Permitted in Rural (RU) Zoning District.

For any permitted or principal use:

- (A) Types Of Signs Permitted.
 - (1) Wall.
 - (2) Free-standing on premise.
- (B) Permitted Number Of Signs.
 - (1) Wall.
Unlimited.
 - (2) Free-standing.
One (1) free-standing on premise per lot per public street front.

No two signs identifying or advertising the same use shall be located closer than one hundred feet (100') from each other measured by using the shortest straight line distance.

- (C) Maximum Area Of Sign.
Ninety six (96) square feet.
- (D) Maximum Height.
 - (1) Wall.
Signs shall not be allowed to extend above the parapet of the building.
 - (2) Free-standing.
Thirty-five feet (35').

Section 5.21. Signs Permitted in C-LD, Commercial Low Density, MI, Military Installation, C-M, Commercial Manufacturing, H-M, Heavy Manufacturing, and RU-I, Rural Industrial Zoning Districts.

For permitted and permissible principal uses when allowed:

- (A) Types Of Signs Permitted
 - (1) Wall.
 - (2) Free-standing.

(B) Permitted Number Of Signs

- (1) Wall.
No limit.
- (2) Free-standing.
One (1) per premises per public street front. No two signs identifying or advertising the same use shall be located closer than one hundred (100) feet from each other measured by using the shortest straight line distance.

(C) Maximum Area Of Sign.

- (1) Wall.
A maximum of thirty (30) percent of the wall area of any wall on the building. Except in no instance shall any principal use be allowed to have an aggregate wall sign area in excess of one hundred (100) square feet.
- (2) Free-standing.
A maximum of ninety-six (96) square feet per sign.

(D) Maximum Height.

- (1) Wall.
Wall signs shall not be allowed to extend above the parapet of the building.
- (2) Free-standing.
Thirty-five (35) feet.

Section 5.22. Non Conforming Uses.

Any non-conforming use must comply with the zoning regulations, pertaining to signs, within the zoning district in which they are located.

Section 5.23. Computation of Sign Area.

The area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustrations, or ornamentations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.

(A) **Prohibited Use Of Signs.**

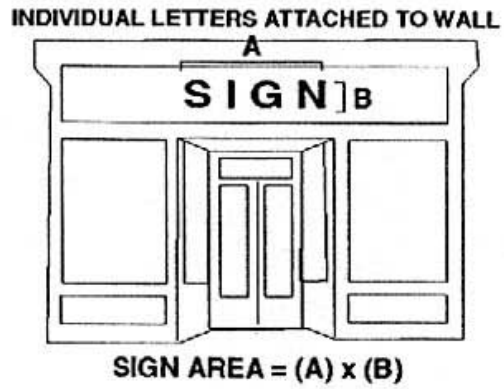
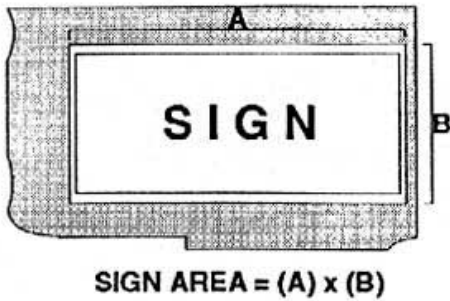
Placing sign facings on top of one another (double-decking) is prohibited.

(B) Ways Signs Can Be Displayed.

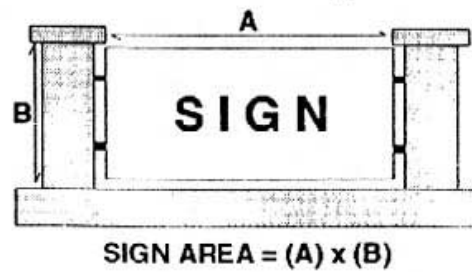
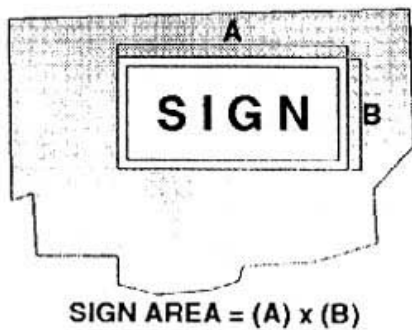
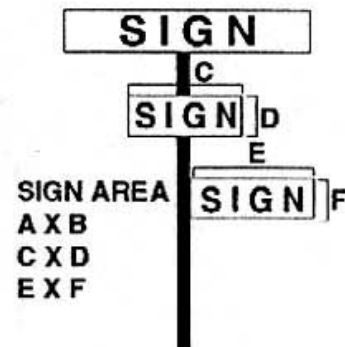
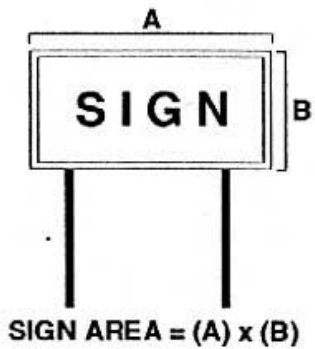
The outdoor advertising signs may be placed back-to-back, side-by-side, or in V-type construction. Side-by-side signs shall be structurally tied together and considered as one sign. V-type and back-to-back signs will not be considered as one sign if constructed forty-five (45) degrees. Stacked and/or rooftop locations of off-premises signs shall not be permitted.

The following page illustrates various types of wall signs and free-standing signs. The diagrams also illustrates how to compute the sign area.

WALL SIGNS



FREE STANDING



Part C. Planned Unit Developments; Plats of Same.

Section 5.24. Application.

Planned Unit Developments (PUD) are permissible in various Zoning Districts as Special Exceptions by the Brunswick County Planning Board and are covered by the standards contained herein.

Section 5.25. Purpose of a PUD.

The purpose of the Planned Unit Development is to encourage the development of desirable, mixed-use living environments which meet the needs of the residents who live in them. Certain development privileges, through diversified land development standards in exchange for preplanning and innovative design considerations, provide flexibility in utilizing new development concepts that are intended to:

- Encourage creative development that preserves natural and scenic features.
- Provide for abundant and accessible open and recreational space.
- Promote the efficient use of land resulting in infrastructure networks that maximize the allocation of fiscal and natural resources.

Section 5.26. Elements of a PUD.

(A) Minimum Size.

A Planned Unit Development shall be located on a site containing at least ten (10) contiguous acres.

(B) Phases of Development.

The PUD may be developed in phases or sections in accordance with the phasing schedule submitted as part of the approved plan.

(C) Filing Fee.

A filing fee of \$200 shall accompany each Special Exception Application for a Planned Unit Development.

Section 5.27. Design Standards.

Planned Unit Developments shall be in conformance with the Brunswick County Zoning and Subdivision Ordinances except for the following development standards:

(A) Density

Density of a Planned Unit Development shall be based on the number of dwelling units per acre of the underlying zoning district.

Minimum assured recreation/open space shall be a percentage of the gross site area integrated throughout the PUD and accessible to the housing units. Assured recreation/open space shall be lands other than wetlands. In some instances, use of

wetlands as open space may be presented for consideration by the Planning Board. PUDs are allowed 75% credit toward the applicable open space for commercial recreational areas such as golf courses.

Open space acreage applied to streams and ponds outside golf course design shall be in direct proportion to the percentage dedicated for public access. Assured Recreation/Open Space shall meet the following minimum requirements:

Density (Units per acre)^[1]	% Open Space (Minimum)
≤ 1.5	5%
1.6 – 2.0	10%
2.1 – 2.5	15%
2.6 – 3.0	20%
3.1 – 3.5	25%
≥ 3.6	30%
^[1] If PUD density results in a fraction, the calculated density shall be rounded to the nearest tenth.	

(1) Wetlands

Ecologically sensitive lands such as marsh, Carolina Bays, pocosins and swamps are to be preserved whenever possible for the public interest. Full density credit is to be applied as long as such areas are granted as perpetual conservation easements.

(2) Setbacks

Minimum setbacks from property lines and distances between structures shall be as follows: Front, fifteen (15) feet; any periphery property line, twenty-five (25) feet; and minimum distance between internal structures shall be as required by NC State Building Code.

(3) Commercial Use Within Planned Unit Developments

Commercial use within a PUD is permitted as long as there are at least twenty (20) acres or more of land. The developer may designate an area not greater than five (5) percent of the total acreage for commercial use, excluding golf courses. Commercial use within a PUD shall be designed and located to serve primarily the residents of the PUD. Such use shall, at minimum, have one (1) internal access to the development.

(4) Stormwater Management

Planned Unit Developments shall provide stormwater drainage systems to the ten (10) year and twenty-five (25) year storm levels for residential and commercial development, respectively, in accordance with stormwater and

sedimentation and erosion control requirements set forth in the Brunswick County Subdivision Ordinance.

Planned Unit Developments shall adhere to the Brunswick County Flood Damage Prevention Ordinance.

(5) Improvement Guarantees

In lieu of requiring the completion, installation and dedication of all improvements (i.e., streets, water and if applicable, sewer) prior to final plat approval, financial assurance in an amount equal to one hundred twenty-five percent (125%) for the installation of the required improvements shall be provided, with the exception of electric utilities. Financial assurance guarantees described in the Brunswick County Subdivision Ordinance may be used to guarantee the installation of said improvements.

(6) Utilities

Provision of utility services shall be underground. Adequate easements and rights-of-way for ingress and egress for maintenance also shall be provided.

(a) Water and Sewer

Provision of water and sewer to each housing unit and nonresidential structure shall be in accordance with the latest version of the Brunswick County Utility Policy and the latest version of the Brunswick County Sewer Use Ordinance.

(b) Electrical, Telephone and Cable

Electrical, telephone and cable shall be underground. A written statement by the utility company authorized to provide electrical service to the PUD, stating their commitment to install electric utilities, may be accepted in lieu of financial assurance guarantees.

(I) Street/Internal Trafficways

Creative design of circulation routes and trafficways is encouraged. A base characteristic of a PUD is that the internal circulation routes or streets do not follow fixed linear geometric lines as do most streets. Instead, circulation routes are curvilinear and of meandering character, to preserve tree and landscape features. Slower-paced traffic movements, private restrictions for extremely low speed limits, and provision of bumper-strips at intervals in the pavement make generous use of such features.

Pedestrian-oriented communities also are encouraged to enhance the quantity of pedestrian activity and to improve the quality of the pedestrian experience. Planned Unit Developments must adhere to the Brunswick County Subdivision Ordinance design standards for drainage and paving. Streets at a minimum must be fourteen (14) feet

wide for a single lane and eighteen (18) feet wide for a double lane. Minimum right-of-way shall be thirty-five (35) feet.

Where the development is bound by two or more NC DOT on-system roads, multiple accesses are encouraged. Siren activated gate systems are required for all unattended gates.

Adequately constructed and maintained bike and/or hiking trails can be counted toward the open space requirement. Bicycle lanes and multi-use pathways that extend the minimum right-of-way width must be designed in accordance with the *North Carolina Bicycle Facilities Planning and Design Guidelines Manual*.

(J) Buffer

A fifteen foot (15') distinct buffer that separate(s) and partially obstruct(s) the view as defined in the Brunswick County Zoning Ordinance between land-use designations (e.g., between single-family and commercial or between single-family and multi-family) and any periphery property line is required within the PUD.

(K) Density Bonus

An applicant for a PUD may be granted a one-to-one density bonus by the Planning Board for land dedication for the construction of public facilities (i.e., schools, parks, public safety facilities, etc.).

In such cases, approval will be granted prior to recordation of the site specific plan. Certification of the need for the public facility(ies) will be required and must be approved by the County.

(L) Development Agreements

Development Agreements may be considered as specified in N.C.G.S. 153A-376 in accordance with the following minimum criteria:

1. The property must have at least 25 developable acres (excluding wetlands, unbuildable slopes, etc.).
2. The Development Agreements shall be limited to a term not exceeding 20 years.
3. Development Agreements are subject to public hearing procedures set forth in N.C.G.S. 153A-323 and must be adopted by the Brunswick County Board of Commissioners.
4. Development Agreements are binding and must be recorded at the Brunswick County Register of Deeds. Once executed, the agreement shall run with the property, never the person or corporation.

Rev. 02/06/06

Section 5.28. Pre-Application Conference.

A pre-application conference between the applicant and the Planning Director or designee shall occur as the initial step in the PUD approval process. The primary purpose of this conference is to provide assistance and guidance to the applicant for the swift and least interruptible review of the proposed PUD. This conference will provide a mutual exchange of basic information that is needed to facilitate and clarify the PUD approval process. Any effort to secure this conference is the sole responsibility of the applicant.

Section 5.29. Concept Plan.

A conceptual land use plan review will be conducted by the Planning Board after initial review by the Brunswick County Planning Department to establish proposed land uses and density.

- (A) Once the Planning Director completes preliminary review of the proposed Conceptual Land Use Plan submitted by the applicant, the owner/applicant will then be required to present ten (10) copies of the Conceptual Land Use Plan to the Brunswick County Planning Department for review by the respective county departments comprising a Technical Review Committee (TRC).
- (B) The TRC will hold a joint meeting between the respective county departments and applicant/agent to review the Conceptual Land Use Plan.
- (C) Subsequent to TRC review, the Planning Director will inform the applicant/agent when they will appear on the Planning Board agenda for Conceptual Land Use Plan approval. The applicant will then be required to submit fifteen (15) copies of the Conceptual Land Use Plan for Planning Board review.
- (D) Conceptual Land Use Plans must include, at minimum, major thoroughfares, acreage and development type (i.e., residential, commercial, open space) of each phase, vicinity map, density, Flood Zone(s) and proximity of nearest water and/or sewer main.
- (E) Recommendations and findings listed during the concept stage are preliminary only, subject to modification as a result of information provided during the Conceptual Land Use Plan Application Approval process for all or each phase(s) of development.

Section 5.30. Master Plan Application Approval.

- (A) Once the pre-application conference is complete, the applicant will prepare a preliminary Master Plan (Master Plan) of the entire Planned Unit Development. The Master Plan will consist of both a preliminary site plan and a preliminary utilities plan and in some instances may be submitted with the Conceptual Land Use Plan.

- (B) The applicant will complete and submit to the Planning Department the Master Plan compliance sheet along with the Special Exception Application and Filing Fee for PUD review.
- (C) The preliminary Master Plan will consist of and be labeled, at a minimum: major thoroughfares, cross-section of proposed road type(s), recreational space, golf courses, natural or man-made lakes, setbacks, residential areas (single family, multi-family, townhouses, etc...), vicinity map, drainage and topography, approximate delineation of wetlands (404 jurisdictional wetlands) by Corps of Engineers or certified designee, land dedication for public facilities (i.e., public safety facilities, schools, EMS) and acreage (if applicable), environmentally sensitive areas, north arrow, adjacent land owners, and commercial area. Other relevant information such as the total number of acres within the planned unit development, and the total number of residential and commercial units (broken down into various phases and acreage) should be included. A proposed timetable of each development phase should also be included.
- (D) The Master Plan shall be accompanied with a preliminary utilities plan which consists of size and location of water and/or sewer lines, utility easements / rights-of-way, drainage and topography, location and/or type of solid waste disposal containers and shall be approved by the Director of Engineering Services and/or Public Utilities Director.
- (E) A mechanism and/or instrument guaranteeing adequate maintenance and continued operation of all assured open space and other private service facilities, shall be submitted as part of the Master Plan requirement and then properly recorded upon Planning Board approval of the Master Plan. Assured open space, and other facilities shall not be dedicated for public purpose or maintenance. However, NC DOT on-system roads within the PUD are excluded from this provision.
- (F) Once the Planning Director completes preliminary review of the Master Plan, the owner/applicant will then be required to present fifteen (15) copies of the Master Plan to the Brunswick County Planning Department for review by the respective county departments comprising a Technical Review Committee (TRC).
- (G) The TRC will hold a joint meeting between the respective County departments and applicant/agent to review both the preliminary site plan and utilities plan.
- (H) Subsequent to TRC review, the Planning Director will then inform the applicant/agent when they will appear on the Planning Board agenda for Master Plan approval.

Section 5.31. Site Specific Plan Approval.

- (A) The Planned Unit Development may be completed in phases. If phased, it is the responsibility of the applicant or owner to present Site Specific plans (in accordance with the approved Master Plan) of each phase prior to development of the phase to the Planning Director for approval. Streets, utilities, and drainage will be reviewed and approved by the Director of Engineering Services and shall conform with Master Plan (preliminary utility plans) according Section 5.307 above. If changes are proposed in the Site Specific plan, said changes shall be reviewed and approved by the Director of Engineering Services and/or Public Utilities Director. The applicant/agent will be presented with a PUD compliance sheet to assist with the completing of the Site Specific plan in a more accurate and efficient manner. The Site Specific plans are in more detail and must contain or provide evidence of the following information:
- (1) North point, full right-of-way of all abutting and intersecting streets, including curbs, and center line. Scale, date, and legal description of the proposed site;
 - (2) Location, dimensions, and type of any proposed streets, trafficways, driveways, sidewalks, pedestrian and bike trails, curb cuts, entrances, exits, outdoor lighting systems, storm drainage, sanitary sewer and all other utilities and services;
 - (3) Location, dimensions and use of existing and proposed structures and parking areas;
 - (4) Location and dimensions of proposed boundaries, setback lines, and easements, open space and recreational areas;
 - (5) Landscaping, irrigation and sedimentation control plans;
 - (6) Site data breakdowns in square footage for building coverage, paved areas, green areas, lake areas, commercial structures and the gross site area;
 - (7) Specific identification of the size, number, and type of proposed units and offices, commercial or industrial usage, total acreage, total units and total density per acre;
 - (8) Type and/or location of trash containers;
 - (9) Elevations of building types, proposed walls, fences and bridges;
 - (10) Evidence of all Federal and State approvals including approved wetlands delineation (404 jurisdictional wetlands);

- (11) Construction plans showing proposed location and size of streets, sidewalks, trafficways, sanitary sewers, water mains, culverts, retention ponds, drainage structures and other utilities. These plans shall include the existing location and size of the nearest street(s), sidewalk(s), sanitary sewer main(s), water main(s), drainage culvert(s) in which this site specific plan will be tied to. These plans shall be approved by the Director of Engineering Service and/or Public Utilities Director, according to the County's Utility Policy.
- (12) If the proposed Planned Unit Development is to be completed in one (1) initial phase, the applicant/owner may submit a Master Plan that contains all of the above mentioned elements of the site specific plan.
- (13) Each phase of a multi-phase PUD shall be developed in acreage in accordance with Master Plan approval and shall not be subdivided and sold for development purposes.
- (14) Once the site specific plan has received preliminary approval by the Planning Director, and all of the required elements for a site specific plan are met, the applicant or owner will submit five (5) copies of the site specific plan.
- (15) Land dedicated to and accepted by the County for the construction of public facilities (i.e., schools, parks, public safety facilities, etc.) must be noted and shown on the site specific plan.
- (16) Once the site specific plans have been received and reviewed by the appropriate county departments and the applicant has met all of the required elements of the site specific plan, zoning ordinance, and density requirements, the Planning Director shall issue a final approval of the site specific plan so that the applicant or owner may begin the process of having the proposed site plan recorded.
- (17) A survey on reproducible medium with the appropriate information will then be needed so that the applicant or owner can record the plat with the Brunswick County Register of Deeds.
- (18) Financial Assurance Guarantees for each phase are to be approved and accepted prior to recordation of each phase.
- (19) If any modifications are made to the site specific plan, the Planning Director will follow the specific conditions specified in Section "Amendments to Master Plan and Site Specific Plan".

- (20) The applicant or owner must complete these steps each time a new phase of a PUD is to be developed.

Section 5.32. Amendments to Concept Plan, Master Plan and/or Site Specific Plans.

Any and all amendments to the Concept Plan, Master Plan and/or Site Specific plans for the PUD shall be subject to the following review procedures:

- (A) The Planning Director approval is required for the following:
 - (1) Changes which result in a decrease in assigned density for a specific parcel, either residential or non-residential.
 - (2) Change in land use designation from multi-family to single-family or a change from any other use to open space/passive recreation.
 - (3) Change in major infrastructure features (i.e., roads/access, sewer, water, storm drainage) of the Master Plan area which are clearly beneficial to the occupants of the Master Plan area. The applicant requesting such change shall notify the property owners association that would be affected by the change of the request and ask that all comments be directed to the Planning Director. Proof of such notification shall be provided to the Planning Director. If the proposed changes affect the construction of roadways, water, sewer and/or stormwater infrastructure, the Planning Director shall notify the Director of Engineering Services of such changes. The Director of Engineering Services and/or Public Utilities Director shall review and approve said changes. If the Planning Director determines that the change does not have the support of the affected property owners association, the request may be referred to the Planning Board for review.
- (B) The Planning Board approval is required for the following:
 - (1) Change in major infrastructure features (i.e. roads/access, sewer, water, storm drainage) of the Master Plan area for a request which has been referred to the Planning Board by the Planning Director.
 - (2) Applicants for Special Exception amendments to Master Plans shall submit all information as required for a Special Exception request. Once an amendment to a Master Plan is approved, the applicant shall provide to the Planning Board an amended copy of the Master Plan for the official record.
 - (3) Change in Land Use Designation to increase density for Concept Plan, Master Plan and/or Site Specific plan.

This Ordinance shall be effective sixty (60) days following the adoption date of December 18, 2000.

Part D. Performance Standards.

Section 5.33. Applicability.

Any use established or changed, and any building, structure, or tract of land developed, constructed, or utilized for any permitted or permissible principal or accessory use shall comply with all performance standards herein set forth. Bona Fide Farms are exempt from these Performance Standards.

Section 5.34. Performance Standards Regulating Noise.

(A) **Definitions.**

For the purpose of this Section, the underlined terms are defined:

(1) **Decibel.**

A decibel is a unit of measurement of the intensity of sound (the sound pressure level).

(2) **Sound Survey Meter.**

A sound survey meter is an instrument standardized by the American Standards Association used for measurement of the intensity of sound, as calibrated in decibels.

(3) **Impact Noise Filter.**

An impact noise filter is an instrument that may be used in conjunction with the sound level meter to measure the peak intensities of short duration sounds.

(B) **Method Of Measurement.**

(1) For the purpose of measuring intensity of sound, the "A" scale of a General Radio Co. No. 1555-A Sound Survey Meter, or American Standards Association approved equivalent shall be used.

(2) Readings shall be taken at lot lines, the meter shall be held approximately four feet above the ground. Readings closer than three feet to a wall or structure shall be avoided to lessen sound echo effect.

(3) Sounds of short duration, as from forge hammers, punch presses and metal shears, which cannot be measured accurately with the sound survey meter, shall be measured with the impact noise filter as manufactured by the General Radio Company, or its equivalent, in order to determine the peak value of the impact. For sounds so measured, the allowable sound pressure levels set forth in the table below, shall be increased by six decibels.

(C) Exemptions.

- (1) Traffic sound, sound created by emergency activities, and sound created by governmental units shall be exempt from this ordinance.
- (2) Sound created by construction or building repair shall be exempt from this ordinance during the hours of 7:00 A.M. to 9:00 P.M.

(D) Sound Levels.

It shall be unlawful for any person to produce sound or allow to be created or produced sound pressure levels (decibels) as follows:

- (1) At any residential property line – Fifty (50) Decibels
- (2) At any lot line within a Commercial District, or where such district abuts a Manufacturing District – Sixty-two (62) Decibels
- (3) At any lot line within C-M, H-M, and RU-I Districts – Seventy (70) Decibels

Section 5.35. Performance Standards Regulating Vibration.

(A) Definitions.

For the purpose of this section, the underlined terms are defined:

(1) Steady State Vibrations.

Steady state vibrations are continuous earth-borne oscillations. Discrete pulses that occur more than 100 times per minute shall be considered to be steady state vibrations.

(2) Impact Vibrations.

Impact vibrations are earth-borne oscillations occurring in discrete pulses at or less than 100 per minute.

(3) Frequency.

Frequency is the number of oscillations per second of a vibration or sound.

(4) Three-Component Measuring System.

A three-component measuring system is a device for recording the intensity of any vibration in three mutually perpendicular directions.

(B) Method Of Measurement

For the purpose of measuring vibration, a three-component measuring system approved by the County Manager shall be employed.

(C) Maximum Permitted Steady State and Impact Vibration Displacement (in inches):

FREQUENCY (in inches)		VIBRATION DISPLACEMENT *(Cycles per second)	
Steady State	Impact		
Less than 10		.0005	.0010
10-19		.0004	.0008
20-29		.0003	.0006
30-39		.0002	.0004
40 and over		.0001	.0002

In the RU-Rural Zoning District, the C-LD, Commercial Low Density Zoning District, and in the C-M District, no activity shall cause or create a steady state of impact vibration displacement on a lot line within or on a boundary line between this District and Residential or Commercial Districts greater than that indicated for the frequency bands in the table above.

In the H-M and RU-I Districts, no activity shall cause or create a steady state or impact vibration displacement on a District boundary line greater than that indicated for the frequency bands in the table above.

Section 5.36. Performance Standards Regulating Air Pollution.

- (A) Any Permitted, Permissible Or Accessory Use That Emits Any Air Contaminant, As Such term is defined by N.C.G.S. 143-213, shall comply with applicable State of North Carolina standards concerning air pollution, as set forth in Article 21B of Chapter 143 of N.C.G.S. and the N.C. Administrative Code.
- (B) No Certificate of Zoning Compliance or Building Permit shall be issued with respect to any use regulated under "A" until the appropriate agency of the state has certified to the Zoning Administrator that the appropriate permits have been issued to the applicant.

Section 5.37. Performance Standards Regulating Odorous Matter.

- (A) Standards For Effluents Measurable In Cubic Feet Per Minute.

In C-M, H-M, and RU-I Districts and in the Economic Development Overlay District, the emission into the atmosphere of odorous matter for which the quantity of effluent can be measured in cubic feet per minute, originating from flues, ducts, stacks, or any other type of opening from which the emission can be controlled, shall be regulated by the standards set forth in the following table. Such emission of odorous matter when collected at the lot line and diluted in tests under controlled conditions with volumes of clean air in the proportion set forth in the following table, shall be deemed detectable.

STANDARDS FOR ODOROUS MATTER MEASURABLE IN CUBIC FEET PER MINUTE	
Quality of Effluent (cubic feet per minute)	Required Volumes of Clean Air (proportion)
10	5.7
100	4.0
1,000	2.8
10,000	2.0
100,000	1.4
1,000,000	1.0

Intermediate values not shown in the table shall be determined by linear interpolation in accordance with the following formula, in which "a" equals the quantity of effluent (64/2a)^{1/2}.

(B) Regulation For Effluents Not Measurable In Cubic Feet Per Minute.

In C-M, H-M, and RU-I Districts and in the Economic Development Overlay District, the emission into the atmosphere of odorous matter, for which the quantity of effluent cannot be measured in cubic feet per minute, and which originates from sources including, but not limited to, junkyards, process wastes, or open plant operations shall be so controlled as not to be detectable at or beyond the boundary of any residential or commercial District.

- (C) In addition to such limits, the presence of odorous matter in such quantities as to be readily detectable at any point along lot lines or to produce a public nuisance or hazard beyond lot lines is prohibited.

Section 5.38. Performance Standards Regulating Toxic or Noxious Matter.

(A) Toxic Or Noxious Matter.

Toxic or noxious matter, for the purpose of this section is defined as any solid, liquid, or gaseous substances, including but not limited to gases, vapors, dusts, fumes, and mists containing properties which, by chemical means are:

- (1) Inherently harmful and likely to destroy life or impair health, or
- (2) Capable of causing injury to the well-being of persons or damage to property.

(B) Method Of Measurement.

For the purpose of measuring the density of mineral dusts, the light field low-power method (described in U.S. Public Health Report 47, No. 12, pps. 669-672, March 18, 1932), or its equivalent, shall be used, and a standard type impinger, or its equivalent, shall be employed for taking atmospheric dust samples.

(C) **General Control Over Toxic Or Noxious Matter.**

In any RU-Rural, C-LD, Commercial Low Density, C-M, Commercial Manufacturing, H-M, Heavy Manufacturing, and in the RU-I, Rural Industry Districts and in the Economic Development Overlay District, in addition to the performance standards regulating toxic or noxious matter, the emission of such matter shall be so controlled that no concentration of such matter, at or beyond the lot line, shall be detrimental to or endanger the public health, safety comfort, and other aspects of the general welfare, or cause injury or damage to property.

Section 5.39. Performance Standards Regulating Humidity, Heat or Glare.

In the RU-Rural, C-LD, Commercial Low Density and in the C-M Districts, and in the Economic Development Overlay District, any activity producing humidity in the form of steam or moist air, or producing heat or glare, shall be conducted in such a manner that the steam, humidity, heat, or glare are not perceptible or measurable at any lot line.

In the H-M and RU-I Districts, any activity producing humidity in the form of steam or moist air, or producing heat or glare, shall be conducted in such a manner that the steam, humidity, heat, or glare are not perceptible at or beyond the District boundary.

Section 5.40. Performance Standards Regulating Electromagnetic Interference.

In the RU-Rural, C-LD, Commercial Low Density, C-M, Commercial Manufacturing, H-M, Heavy Manufacturing, and RU-I Districts, and in the Economic Development Overlay District, no use, activity, or process shall be conducted therein which produces electromagnetic interference with normal radio or television reception in Residential or Commercial Districts.

Part E. Fence and/or Wall Requirements.

Section 5.41. Permitted Types of Fences.

The following types of fences are permitted in all Zoning Districts:

- (1) Masonry or Stone walls.
- (2) Ornamental iron;
- (3) Chain-link or woven wire; and
- (4) Wood or similar material.

Section 5.42. Prohibited Types of Fences.

The following types of fences are prohibited in all zoning districts:

- (1) Fences constructed primarily of barbed or razor wire, except for the purpose of enclosing livestock;

- (2) Fences carrying electrical current, except for the purpose of enclosing livestock;
- (3) Fences constructed in whole or in part of readily flammable material such as paper, cloth or canvas;
- (4) Fences topped with barbed wire or metal spikes except those serving an institution requiring a security fence for public safety purposes;
- (5) Fences constructed of concertina wire.

Section 5.43. Required Maintenance.

Any fence which, through neglect, lack of repair, type or manner of construction, method of placement or otherwise, constitutes a hazard or endangers any person, animal or property is hereby deemed a nuisance. If such conditions exist, the Zoning Administrator shall require the owner or occupant of the property upon which the fence is located to repair, replace or demolish the fence causing the nuisance.

Section 5.44. Height.

Residential Uses:

- (A) No fence shall exceed six feet (6') in height on side yards and rear yards within R-7500 and R-6000 residential areas.
- (B) No fence shall exceed six feet (6') in height within fifteen feet (15') of any public or private street right-of-way line within a group housing development unless the sole purpose is to enclose a patio, a patio enclosure shall not exceed seven feet (7') in height. This does not include the exterior boundaries.

Recreational Uses:

No fence shall exceed eight feet (8') in height.

Commercial or Industrial Uses:

No fence shall exceed eight feet (8') in height.

Section 5.45. General Fence Requirements.

- (A) Obstruction Of View.

No fence shall be placed or retained in such a manner as to obstruct vision at any intersection of public or private streets.

(B) Obstruction Of Drainageway.

Fence construction shall not alter or impede the natural flow of water in any stream, creek, drainage swale, or ditch.

(C) Obstruction Of Access.

No fence shall block access from doors or windows. Fences must have a clearance of at least two feet (2) from building walls, except where fences project from or to a building wall.

(D) Orientation Of Barbed Wire.

On fences topped with barbed wire, the bottom strand must be at least six feet (6') above grade with vertical supports slanting inward away from the property line.

(E) Obstruction Of 911 Emergency Street Addresses.

No fence shall be constructed to alter or impede the visual locating of 911 emergency street addresses.

ARTICLE 6.
SUPPLEMENTARY REGULATIONS

Section 6.1. Application.

The following regulations apply throughout all Zoning Districts:

- (A) In no case shall the Zoning Board of Adjustment grant a use variance.

- (B) No structure or portion of any structure shall be placed or erected, and no vegetation shall be planted or allowed to grow in a manner which shall materially impede visibility between the heights of three feet and eight feet at street intersections in a triangular area formed by that point at which property lines extended would meet at a corner, for a distance of twenty-five (25) feet back along said property line or extension thereof in each direction, then by connecting those two points to form a triangle.

- (C) Maximum Height of Structures.
 - (1) There shall be no limit to the height of bona fide farm buildings other than dwelling units or other residential uses.

 - (2) There shall be no limit to the height of steeples on churches, transmitting towers and water tanks.

 - (3) For all buildings and structures for human occupancy, maximum height is forty feet (40'); however, if the building or structure is equipped with an internal fire suppression system, with a smoke or fire detection system, and with a fire alarm system, all complying with the North Carolina State Building Code, then for each additional foot of setback on all sides, measured on the ground from the lot line, one (1) additional foot of height is permitted.

 - (4) The height of a building shall be measured from the center of the finished grade at the front of a building or structure to the highest point of the roof. Strictly ornamental features such as belfries, parapets, roof screens and widows watches shall be limited to a maximum height of ten (10) feet above the highest point of the roof.

- (D) In no case shall more than one principal use or structure be permitted on a lot excepting for those Special Exceptions permissible by either the Board of Zoning Adjustment or the Planning Board; provided additional dwellings or structures shall be permitted on a lot in all districts provided that the following criteria are met:
 - (1) The lot or parcel must be at least 1 acre in size. One additional structure may be added for each additional 10 acres of land.

- (2) The lot must front on a State maintained street or approved, improved subdivision street with sufficient access to any additional structures.
 - (3) Structures and dwellings must be located on the property such that the lot could be divided into additional lots with adequate square footage and setbacks as specified for the zone in which it is located.
 - (4) Structures must each be provided with independent well and septic systems or independently connected to central water and sewer.
 - (5) Special Exceptions as permissible by the Board of Adjustment are exempt for these requirements.
 - (6) Bona Fide Farms are exempt or as stipulated under Permitted or Accessory Uses and Structures in the various Zoning Districts.
 - (7) Cross reference to this provision shall be made in Article One, Section 1.6(C).
- (E) No portion of a lot, used in connection with an existing or proposed building, structure or use, which is necessary for compliance with the regulations of this Chapter, may be included as part of the lot requirement in connection with any other building, structure, or use.
- (F) Architectural features including cornices, eaves and gutters may project three feet into the required front and rear yard space.
- (G) Accessory structures shall not be erected in any required front or side yard, or within ten feet (10') of a rear yard line, except in the R-7500, R-6000, and SBR-6000 Zoning Districts where accessory structures may be erected within nine feet (9') of the rear yard line. Potable water well houses and TV reception discs are excluded from these requirements.
- (H) Height when used throughout this Chapter shall be measured from the grade of the center-line of the street upon which the lot faces, at the center-point of the width of the lot, not from the property line.
- (I) When any building or structure existing at the time of the effective date of this Chapter does not conform to all requirements and standards, the building or structure may be

enlarged or extended if the enlargement or extension complies with provision of this Chapter.

- (J) Open air non-conforming uses shall not be permitted to be enlarged, extended, or in any manner improved.
- (K) Buildings that are non-conforming due to the use of such building in the Zoning District in which located,
 - (1) In the case of a non-residential use in a Residential Zoning District, shall be permitted to convert to a residential use without having to conform to the standards and regulations of the Zoning District as to density, height and setbacks, and shall so achieve conforming status, and
 - (2) In the case of a residential use in a non-residential Zoning District, shall be permitted to convert to an office building without having to conform to the standards and regulations of the Zoning District as to height and setbacks, and shall so achieve conforming status, excepting this provision shall not apply to lands in the RU-I, Rural Industrial Zoning District.
- (L) The storage of junked or wrecked motor vehicles and boats is specifically prohibited in any Zoning District excepting where junkyards are clearly identified as a permitted or permissible use, or as a contingently continuing permissible non-conforming use.
- (M) Yard sales are permitted in Residential Districts as long as they do not occur for longer than two days, four times a year, on the same lot.
- (N) Temporary fund raising activities are permitted in all Residential Districts as long as they do not occur on the same lot for longer than two weeks, once a year.
- (O) No building permit will be issued until a driveway permit is issued by the N.C. Department of Transportation, as to uses located adjacent to Major Thoroughfares as identified in the officially adopted Major Thoroughfare Plan. Development of any lot fronting on such a Major Thoroughfare must provide on-site maneuvering means so as to avoid any vehicles having to back into such Thoroughfare. Bona Fide Farms are exempt.

- (P) Manufactured homes constructed prior to July 1, 1976, shall be permitted under the terms of the particular Zoning District, if:
- (1) The owner of same in applying for any form of permission such as a septic tank permit, shall file with application for same documentation to show the manufactured home was constructed in compliance with the Standard for Mobile Homes of the American National Standards Institute (ANSI 119.1), or
 - (2) The mobile home was located and set up (having its own electric utility connection) as another site within the boundaries of Brunswick County as of January 1, 1994.
- In order that the Zoning Administrator may verify that the home is being moved from a pre-existing set-up in Brunswick County, a minimum of seven days notice shall be given to the Zoning Administrator before the unit can be moved to the site for which the permit is being requested.
- (Q) In the C-LD, Commercial Low Density Zoning District, when as of the effective date of this ordinance as a principal use there is a dwelling unit, such dwelling unit may be enlarged, replaced or rebuilt as long as such replacement or new construction meets all requirements of State and Federal law and of this ordinance.
- (R) In any Zoning District, on a lot or parcel not in compliance with the Zoning Ordinance due to more than one principle structure on the lot, manufactured homes existing prior to January 1, 1994 with electricity and sewer connections may be replaced one time if the proposed structure meets all other requirements of the ordinance.
- (S) All utility equipment and sub-stations with less than six hundred (600) square feet in size are exempt from minimum lot requirements in any zoning district as long as they meet the applicable yard requirements.
- (T) Where a lot fronts on a turning circle of a cul-de-sac or at a point of a street where the radius of the curvature of the right-of-way is less than ninety feet (90'), the minimum street frontage width requirements shall be forty feet (40').
- (U) All free-standing transmission towers, including television, radio, cellular or similar transmitting or receiving towers shall have a setback of two hundred fifty feet (250') from residentially zoned property and shall be located such that all supporting cables and anchors are contained within the property.

- (1) Any tower which is over two hundred fifty (250) feet in height shall provide a setback equal to the height of proposed tower. Where towers are adjacent to non-residentially zoned properties, the setback shall be equal to sixty (60) percent of the tower height.
 - (2) Each tower may be accompanied by one unmanned maintenance or service structure not to exceed four hundred (400) square feet.
 - (3) All non-conforming transmission towers existing as of the effective date of this ordinance may be replaced if damaged by natural causes.
- (V) In no case shall a permit be issued by any Brunswick County agency for a proposed use prior to documented project approval by all appropriate federal, state, local, and other agencies.

Section 6.2. Non-Conformities.

(A) Statement Of Intent.

This Zoning Ordinance was designed on the basis of the purposes reflected in Section 1.2 and in the various Zoning Districts, in the standards established, and in the supplementary regulations to seek the least possible harm from one use to other uses, and least possible harm between various uses.

Within the districts established by this Chapter there exist lots, structures, and uses of land and structures which were lawful before this Chapter was adopted, but which would be unlawful in the future under the terms of this Chapter.

It is the intent of this Chapter to permit identified non-conformities which create minimal harm to continue until removed by economic forces or otherwise, and to require discontinuation within a reasonable period of non-conformities which are harmful to the areas in which they are located. It is not the intent of this chapter to encourage the survival of non-conformities since it has been determined that they are incompatible with the character of the Districts involved, or to permit non-conformities to be enlarged upon, expanded, or extended. Existing non-conformities shall not be used to justify adding structures or uses prohibited elsewhere in the same District.

(B) Non-Conforming Lots.

In any Zoning District in which dwelling units are permitted or permissible, notwithstanding limitations imposed by other provisions of this Chapter, except as provided below, a dwelling unit and customary accessory buildings may be erected on any lot of record or acreage parcel existing as of the effective date of this Chapter. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the District, providing that the building setbacks and

other requirements shall conform to the regulations for the District in which such lot is located.

In commercial and manufacturing Zoning Districts, if three (3) or more lots, or combinations or portions of lots equalling same, with continuous frontage on a street, between two intersecting streets, in single ownership and of record at the time of passage of this Chapter, do not meet the requirements for lot width and area as established, the lands involved shall be considered an undivided parcel for the purpose of this Chapter. No portion of said parcel shall be used which does not meet lot width and area requirements established. Where enforcement would result in unnecessary hardship, the property owner may apply to the Zoning Board of Adjustment for variance.

(C) Non-Conforming Uses Of Land.

Lawful land uses not involving structures, or involving structures only to the extent of ten (10) percent or less of the area of the lot or ten (10) percent or less of the combined value of premises and structures, which exist as of the effective date of this Chapter to which such uses do not conform, may be continued subject to the following limitations:

- (1) No such non-conforming use shall be extended to occupy a greater area, nor to occupy any other portion of the premises than was occupied at the time non-conforming status was attached.
- (2) No structures shall be added on lands occupied by such uses.
- (3) Within ninety (90) days from the time non-conforming status attaches, all yards required by regulations for the district in which such use is located shall be cleared.
- (4) If such non-conforming use ceases for any reason for more than six (6) months, or is replaced by another conforming use, subsequent use shall conform to the regulations of the district in which such use is located and all other terms of this Chapter.

(D) Non-Conforming Structures.

Where a lawful structure exists as of the effective date of this Chapter which could no longer be built by reason of restrictions on area, lot coverage, height, or other characteristics of structure or location on the lot, such structure may be continued so long as it remains otherwise lawfully subject to the following provisions:

- (1) No such structures may be enlarged or altered in a way which increases its non-conformity except as provided in (4). An addition to a non-conforming structure may be made, providing the addition meets the Zoning requirements of this Chapter.

- (2) Should such structure be damaged by any means to an extent of more than seventy-five percent (75%) of the current replacement value, it shall not be reconstructed or repaired except in conformity with the provisions of this Chapter. Should such structure be damaged to an extent of less than seventy-five percent (75%), but more than twenty-five percent (25%), of current replacement value, it may only be restored if the Zoning Board of Adjustment determines a variance to permit such restoration should be granted.
- (3) Should such structure be moved for any reason for any distance whatever, it shall conform to the regulations for the district in which it is relocated.
- (4) A structure which is non-conforming as to off-street parking may be remodeled or altered in a manner which does not increase its requirements for off-street parking; provided that if remodeling or alteration increase requirements for off-street parking, off-street parking shall be provided sufficient to meet the additional requirements created by the remodeling or alteration.
- (5) All non-conforming transmission towers existing as of the effective date of this ordinance may be replaced if damaged by natural causes.

(E) Non-Conforming Uses Of Structures; Structures And Premises.

If a lawful use of a structure, or of structure and premises in combination, exists as of the effective date of this Chapter, which use is made no longer permissible under the terms of this Chapter, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- (1) No existing structure devoted to a use not permitted by this Chapter in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located except as provided in Section 6.1(K).
- (2) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use as of the effective date of this Chapter, except that alterations to dwelling units which would increase the density of use are prohibited, but no such use shall be extended to occupy any land outside such building.
- (3) Any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use, including such non-conforming uses as would be of higher density than the Zoning District in which situated, provided it

is determined by the Board of Adjustment by approval of an application for a Special Exception in the specific case that the proposed use is equally applicable or more appropriate to the District than the existing non-conforming use, subject to appropriate conditions and safeguards. Such permitted change does not make the proposed use conforming; it remains as non-conforming use subject to all regulations governing non-conformities. (See Section 6.1[K].)

- (4) If non-conforming use of a structure, or structure and premises, is discontinued for a continuous period of two (2) years, or for intermittent periods amounting to twenty-four (24) months in any four (4) year period, the use of the structure or structures and premises in combination shall thereafter conform to the regulations for the district in which the structure is located.
 - (5) Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land, and such land may thereafter be used only for uses permitted or permissible in the district in which it is located.
 - (6) Where a non-conforming use of structure, or structure and premises in combination, is changed to a conforming use, the non-conforming use shall not thereafter be re-established.
 - (7) Where a non-conforming use involves operation of equipment or machinery, such equipment or machinery may be replaced; provided that the new equipment or machinery conforms in the characteristics of its operation to performance standards as established for the Commercial Manufacturing District.
 - (8) Should such structure be damaged by any means to an extent of more than seventy-five (75) percent of the current replacement value, it shall not be reconstructed or repaired except in conformity with the provisions of this Chapter. Should such structure be damaged to an extent of less than seventy-five percent (75%), but more than twenty-five percent (25%) of the current replacement value, it may only be restored if the Board of Adjustment determines a Special Exception to permit such restoration should be granted.
- (F) Repairs And Maintenance; Maintaining Safe Condition.
- Repairs and maintenance of non-conforming structures are permitted. Nothing in this Chapter shall be deemed to prevent the strengthening, altering or restoring to a safe condition of any building or part thereof declared to be unsafe by a building inspector or other County or State official charged with protecting the public safety, upon order of such official. This permission does not include remodeling except as provided in Section 6.1(K).

(G) Discontinuance Of Non-Conformities.

Notwithstanding other provisions of this Chapter, certain non-conformities shall be discontinued after periods of time set forth below. This period of time begins upon the effective date of this Chapter. If the use is changed to a lesser use which has a longer period permitted, the new period will apply, but will be construed to have begun at the original date.

Upon application to the Zoning Board of Adjustment, the Board, may as a Special Exception, permit not more than one extension for not more than the time indicated. The date on which non-conformities listed must cease shall be set forth on the Certificate of Occupancy for each, and if extension is granted, the termination date of such extension shall be added to the Certificate of Occupancy.

The amortization of non-conforming uses of buildings shall be extended for a period of five (5) years beyond the state maturity of any mortgage existing and of record upon the premises as of the effective date of this Chapter.

(1) Open-air non-conformities to be discontinued:

Non-Conformities	Districts	To Be Discontinued Within	Extension Permissible
Junkyards	R-7500 and R-6000	5 Years	1 Year
Automobile and other sales lots, outdoor sales areas, outdoor storage yards, for lumber, building materials, and contractors' equipment.	R-7500 and R-6000	5 Years	1 Year
Extraction of topsoil, sand, gravel, marl, shell, etc.	R-7500 and R-6000	5 Years	1 Year
Signs	All Zoning Districts	At time of destruction by the owner or his agent or by a natural disaster	None
Non-conforming fences and hedges impeding vision at intersections.	All Zoning	1 Year	90 Days

(2) Non-conforming uses of buildings to be discontinued:

Non-Conformities Districts		To be Discontinued Within:	Extension Permissible
Industrial	R-7500 and R-6000	20 Years	3 Years
Commercial	R-7500 and R-6000	20 Years	3 Years
Residential	C-M, H-M and RU-I	10 Years	10 Years (See Note Below)
<p>NOTE: Residential, except a home or dwelling unit upon which homestead exemption is claimed, thus showing residence of the owner on the property, as long as there is no transfer of such property to other than an immediate heir. In the event such property ceases to be the homestead, or in the event of transfer of such property beyond the immediate heir of the owner as of the time of passage of this Chapter, then the above schedule of discontinuance is applicable, starting as of the date of such transfer or termination of homestead use.</p>			

(H) Special Exceptions Which Are Not Non-Conforming Uses.

Any use for which a special exception is required, or for which a special exception may be granted as provided in this Chapter, in any District in which such use is provisionally permitted, shall not be considered a non-conforming use, but shall, without further action, be deemed a conforming use in such District.

Existing uses which by the terms of this Chapter would be permissible only as special exceptions are hereby declared existing, lawful uses requiring no further action.

(I) Variances Not Non-Conformities.

In cases where the Zoning Board of Adjustment issues a variance, such variance shall not be considered a non-conformity.

For each amendment to this Chapter that creates a non-conformity, the timing of the Schedule of Discontinuance commences with the effective date of said amendment.

Section 6.3. Buffering and Landscaping Requirements for Berms and for Yards in which Buffers are Required.

Buffer strips are designed to protect adjoining land uses, particularly residential, from the noise, heat, dust, lights, and aesthetic impacts from more intense land-uses. Buffer strips shall be required along property lines adjacent to a residential use and/or existing platted residential lots. The more intense land use shall be required to provide the buffer as part of its yard requirements. The following requirements shall be met for buffer strips and the yards in which buffers are required:

(A) **Location Of Buffer Strips.**

Buffer strips shall be required to screen uses. Buffer strips shall also be required to screen any existing detached residential development from any attached housing development or mobile home park or high density development or planned development.

(B) **Width Of Buffer Strips.**

The buffers shall have a base width equal to at least fifty percent (50%) of the required setback. In all cases the base of the buffer shall be equal to or greater than twenty feet (20').

(C) **Allowance for a Decrease in Setback with an Increase in Buffer Width.**

The setback for structures may be decreased if the base width of the buffer strip is increased by the same amount.

(D) **Uses In The Buffer.**

No activities shall occur in the buffer except for maintenance of the buffer and the installation and maintenance of water, sewer, electrical and other utility systems where the installation causes minimal disturbance of existing vegetation.

(E) **Uses In The Rear And Side Yards Abutting A Residential Use.**

The following uses shall be shielded from view from the property line of the residential use by means of a seventy-five percent (75%) opaque wall.

- (1) Dumpsters or other trash holding areas.
- (2) Outside storage areas.
- (3) Loading/unloading areas.
- (4) Heating/air conditioning units, including roof mounted units.
- (5) In addition, all lights shall be shielded in such a manner that light from the fixture will not directly radiate into the buffer strip or beyond.

(F) Types Of Buffer Strips.

Buffer strips shall provide approximately seventy-five percent (75%) opacity. Buffer strips may be occupied only by natural and/or planted vegetation, berms and fencing, as specified below:

- (1) Natural vegetation must be retained.
- (2) One or more of the following means shall be used to supplement the natural vegetation as necessary or to provide an adequate buffer where no natural vegetation exists:
 - (a) Planted buffer strips – The planted buffer strips shall be at least six feet (6') tall and give approximately seventy-five percent (75%) visual opacity within one (1) year of planting. Three (3) rows of planted materials shall be required.
 - (b) Combination planted buffer strip with artificial fencing:
 - (i) Artificial fencing shall be between six (6') to ten feet (10') in height.
 - (ii) If solid artificial fencing is used, two rows of planted materials shall be provided at a minimum height of three feet (3') at initial planting, and give at least fifty percent (50%) visual opacity of the fence at planting.
 - (iii) Permeable artificial fencing should give approximately seventy-five percent (75%) visual opacity of the fence within one (1) year of planting.
- (3) Combination berm with vegetation:
 - (a) An earthen berm may be used in conjunction with planted vegetation provided that the combined height of the berm and planted vegetation shall be at least six feet (6') and provide approximately seventy-five percent (75%) opacity within one year of planting.
 - (b) The slope of the berm shall be stabilized with vegetation and no steeper than 3:1. The height of the berm shall be six feet (6') or less, with a level or rounded area on top of the berm. The berm shall be constructed of compacted earth.

(G) Additional Landscaping Requirements For Parking Lots.

Landscaping is required for parking lots for the purposes of reducing aesthetic impacts of paving or removing the natural vegetation from large areas; to reduce the noise, heat and dust associated with parking lots.

(1) Applicability.

Landscaping shall be required for all off-street parking facilities with five (5) or more spaces or those areas twenty-five hundred (2500) square feet or more devoted for vehicular use. [Refer to F(2) above.]

(2) Design Criteria.

Landscaping shall be required for parking lot perimeters and for parking lot interiors.

(3) Landscaping around parking lot area for street sides shall be a minimum width of one foot (1') and a maximum of three feet (3') in height within one (1) year of planting materials.

(H) Common Tree and Shrub Species

(1) Small Maturing Trees

Botanical NameCommon Name

Acer campestre	Hedge maple
Carpinus betulus	European hornbeam
Carpinus caroliniana	American hornbeam
Cornus florida	Flowering dogwood
Cornus kousa	Kousa dogwood
Cercis canadensis	Eastern redbud
Crataegus phaenopyrum	Washington hawthorne
Elaeagnus angustifolia	russian olive
Eriobotrya japonica	loquat
Halesia carolina	Carolina silverbell
Hammamelis mollis	Chinese witch-hazel Ilex
Fosteri	Foster holly
Ilex opaca	American holly
Ilex opaca hume	Hume holly

Ilex x attenuata savannah	Savannah holly
Koelreutaria paniculata	Golden rain-tree
Magnolia soulangeana	Saucer magnolia
Magnolia stellata	Star Magnolia
Malus floribunda	Flowering crapapple
Ostrya virginiana	Ironwood
Oxydendrum arboreum	Sourwood
Prunus cerasifera pissardii	Purpleleaf plum
Prunus serrulata kwanzan	Kwanzan cherry
Prunus subhirtella pendula	Weeping cherry
Prunus yedoensis	Yoshino cherry
Prunus caroliniana	Carolina cherry laurel
Pyrus calleryana Bradfordi	Bradford pear
Pyrus calleryana 'Redspire'	Redspire pear
Pyrus calleryana 'Capital'	Capital pear

(2) Shrubs

<u>Botanical Name</u>	<u>Common Name</u>
Abelia grandiflora	Glossy abelia
Aucuba japonica	Japanese aucuba
Azalea hybrida	Glenn dale azalea
Azalea indica	Indian azalea
Azalea obtusum Kaempferi	Kaempferi azalea
Bambusa multiplex	Hedge bamboo
Berberis julianae	Wintergreen barberry
Berberis thunbergii	Japanese barberry
Camellia japonica	Camellia
Camellia sasanqua	Sasanqua Camellia
Chaenomeles speciosa	Flowering quince
Cleyera japonica	Cleyera
Euonymus alatus	Winged euonymus
Euonymus japonicus	Evergreen euonymus
Eleagnus pungens	Eleagnus
Forsythia intermedia	Forsythia
Hammamelis virginiana	Witch-hazel
Hydrangea quercifolia	Oakleaf hydrangea
Ilex aquifolium	English holly
Ilex cornuta	Chinese holly
Ilex cornuta burfordi	Burford holly

<i>Ilex cornuta burfordi nana</i>	Dward burford holly
<i>Ilex crenata 'convexa'</i>	Convex japanese holly
<i>Ilex crenata 'hetzi'</i>	Hetzi japanese holly
<i>Ilex crenata 'rotundifolia'</i>	Roundleaf japanese holly
<i>Ilex "Emily Brunner"</i>	Emily brunner holly
<i>Ilex glabra</i>	Inkberry holly
<i>Ilex latifolia</i>	Lusterleaf holly
<i>Ilex pernyi</i>	Perny holly
<i>Ilex vomitoria</i>	Yaupon holly
<i>Jumperus chinensis pfitzeriana</i>	Pfitzer jumper
<i>Jumperus chinensis hetzi</i>	Hetzi jumper
<i>Laurus nobilis</i>	Laurel
<i>Ligustrum japonicum</i>	Japanese privet
<i>Ligustrum lucidum</i>	Glossy privet
<i>Ligustrum vicaryi</i>	Vicary golden privet
<i>Loropetalum chinese</i>	Loropetalum
<i>Mahonia bealei</i>	Leatherleaf mahonia
<i>Myrica cerifera</i>	Wax myrtle
<i>Nandina domestica</i>	Nandina
<i>Osmanthus fortunei</i>	Fortune tea olive
<i>Osmanthus fragrans</i>	Fragrant tea olive
<i>Osmanthus heterophyllus</i>	Holly osmanthus
<i>Osmanthus heterophyllus rotundifolius</i>	Curly leaf tea olive
<i>Photinia fraseri</i>	Fraser photinia
<i>Photinia serrulata</i>	Chinese photinia
<i>Pieris floribunda</i>	Mountain andromeda
<i>Pieris japonica</i>	Japanese andromeda
<i>Pittosporum tobira</i>	Pittosporum
<i>Prunus laurocerasus</i>	English laurel
<i>Podocarpus macrophyllus maki</i>	Podocarpus
<i>Prunus laurocerasus angustifolia</i>	Narrow leafed english laurel
<i>Pyracantha coccinea</i>	Scarlet firethorn
<i>Raphiolepis umbellata</i>	Yeddo-hawthorn
<i>Spirea cantoniensis</i>	Reves spirea
<i>Spirea thunbergi</i>	Thunberg spirea
<i>Spirea prunifolia plena</i>	Bridalwreath spirea
<i>Spirea vanhouttei</i>	Vanhoutte spirea
<i>Taxus cuspidata</i>	Japanese yew
<i>Viburnum rhytidophyllum</i>	Leatherleaf viburnum
<i>Viburnum tinus</i>	Laurestinus viburnum

ARTICLE 7.
ADMINISTRATION, ENFORCEMENT, AND PENALTIES

Section 7.1. Zoning Administrator.

The provisions of this Ordinance shall be administered by the Zoning Administrator and any other officials designated by the Board of Commissioners for the administration of the Brunswick County Zoning Ordinance.

Section 7.2. Duties of the Zoning Administrator.

The Zoning Administrator shall have the power to grant Zoning Compliance Permits and Certificates of Occupancy and to make inspections of buildings or premises necessary to carry out the enforcement of this ordinance. In connection with the enforcement of this ordinance, the Zoning Administrator shall make all necessary determinations and interpretations as required by this ordinance. Persons aggrieved by a decision or a determination made by the Zoning Administrator may appeal that action to the Board of Adjustment.

Section 7.3. Permits.

(A) Permit Required.

No excavation shall be commenced, no wall, structure, premises, or land used, building or part thereof shall be built, constructed or altered, nor shall any building be moved, nor shall any sign be erected or structurally altered (unless exempted), until application has been made and the proper permit has been obtained. When the Zoning Administrator, with the technical assistance of other County departments or upon direction by the Brunswick County Planning Board or Board of Adjustment, has determined that the proposed land use may be made under the provisions of this Code, a permit for the proposed use shall be issued.

(B) Applications.

All applications for land use permits shall be accompanied by accurate plot plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the legal description of the lot to be built upon or used; or the location of the plans as recorded by the Brunswick County Register of Deeds, the exact sizes and location on the lot of all existing buildings and accessory buildings; the lines within which the proposed building or structure shall be erected; the existing and intended use of each building or part of building and any other data deemed necessary by the Zoning Administrator to determine compliance of a proposed development with the terms of this Ordinance.

No certificate of occupancy or compliance shall be issued by the Zoning Administrator or Building Inspector until:

- (1) Applicable standards of this Ordinance have been met; or

- (2) Written assurances are provided to the Building Inspector that applicable standards of this Ordinance will be met within a reasonable period of time. Assurances shall include posting of a surety bond or submission of a notarized letter of credit for the value of the incomplete improvements required.

The Zoning Administrator shall be responsible for determining compliance with any applicable standard of this Ordinance not under the purview of the Building Inspector or other state or county agency.

For nonresidential use: In addition to the above, the following information shall accompany all applications:

- (1) Properly completed checklist to include the following:
- (2) Driveway entrance permit from North Carolina Division of Highways, District Engineer.
- (3) Location of signs, if any, including ownership and type (identification, commercial, or those not requiring a permit).
- (4) Whether excavation, clearing of ground, or moving of earth other than that actually required for the building, is expected to occur.
- (5) DCM approval DEM Stormwater – Sedimentation, DCM and all other stated county agency approval. Environmental Health.

(C) Permits In Flood Hazard Areas.

All requirements of the Brunswick County Flood Damage Prevention Ordinance shall be met.

(D) Permit Revocation.

The Zoning Administrator may revoke any permit or other authorization granted under this ordinance for failure to comply with the provisions of this ordinance or the terms and conditions of the permit or authorization, or for false statements or misrepresentations made in securing the permit or authorization, or if the permit or authorization was mistakenly granted in violation of applicable State or local law. If the Zoning Administrator determines an imminent hazard exists, he may summarily revoke this permit.

Before revoking a permit or other authorization, the Zoning Administrator shall give the holder of the permit or authorization ten (10) days written notice of intent to revoke the permit or authorization. The notice shall state the reasons for the intended revocation and state that the holder may have an informal hearing on the intended revocation

before the Zoning Administrator. On revoking a permit or authorization, the Zoning Administrator shall give the holder of the permit or authorization a written notice of the revocation and the reasons for it. The holder of a revoked permit or authorization may, within ninety (90) days after the revocation, submit to the Zoning Administrator a written request to reinstate the revoked permit or authorization. On determining that the conditions justifying the revocation have been eliminated and that the development fully complies with all applicable requirements of this ordinance, the Zoning Administrator may reinstate the permit or authorization.

Section 7.4. Powers and Limitations of Zoning Administrator.

If the proposed excavation, construction, moving, alteration, or use of land as set forth in the application are in conformity with the zoning ordinance, the Zoning Administrator may issue the zoning compliance permit, however;

- (A) Issuance of a zoning compliance permit shall in no case be constructed as waiving any provisions of this ordinance.
- (B) Under no circumstances is the Zoning Administrator permitted to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this ordinance to any person making application to excavate, construct, move, alter, or use either building, structure or land.
- (C) Under no circumstances is the Zoning Administrator permitted to make changes to this ordinance or to vary the terms of this ordinance in carrying out their duties.
- (D) The Zoning Administrator shall issue a permit when the imposed conditions of this ordinance are complied with the applicant regardless of whether the use of their permit would violate contractual or other arrangements, (including, but not by way of limitation, restrictive covenants) among private parties.
- (E) If an application for such permit is disapproved, the Zoning Administrator shall state in writing the cause for such disapproval.

Section 7.5. Certificates of Occupancy.

No building, structural, or zoning lot for which Zoning Compliance has been issued shall be used or occupied until Building Inspections has, after final inspection, recommended the issuance of a Certificate of Occupancy indicating compliance has been made with all the provisions of this ordinance. However, the issuance of a Certificate of Occupancy shall in no case be construed as waiving any provisions of this ordinance.

Section 7.6. Non-Conforming Use Certificates.

It shall be unlawful to maintain or continue any non-conforming use, until a non-conforming use certificate has been issued. However, non-conforming uses existing as of the effective date of this zoning ordinance shall have a six month period from the time of notification by the Zoning Administrator of being a non-conformity to obtain such certificate.

The non-conforming certificate shall indicate, the date on which the use shall be discontinued, or that the use may be continued indefinitely according to terms and limitations of the Brunswick County Zoning Ordinance.

Failure to obtain a non-conforming use certificate shall be evidence that the non-conforming use was not in lawful existence as of the effective date of the zoning ordinance or any amendment thereto, and is not a bona-fide non-conforming use. It shall be treated as an illegal use.

Section 7.7. Fees.

Before any Zoning Compliance Permit or Certificate of Occupancy shall be issued covering building or other operations regulated by this ordinance, a fee in an amount fixed by the Board of Commissioners shall be paid.

Section 7.8. Certification of Manufactured Homes.

The Zoning Administrator shall determine that a manufactured home, date of manufacturing of manufactured home, or a model of manufactured homes meets the required criteria required by the Brunswick County Zoning Ordinance.

Section 7.9. Enforcement.

(A) Purpose.

This Section sets forth the procedures by which the County seeks correction of violations of this Ordinance. It also sets forth the remedies and penalties the County may apply where necessary to ensure correction of violations. The provisions in this section are intended to encourage the voluntary correction of violations.

(B) Violations.

Any failure to comply with a requirement, prohibition, or limitation imposed by the provisions of this Ordinance, or the terms and conditions of any permit or other authorization granted pursuant to this Ordinance, shall constitute a violation of this Ordinance.

(C) Responsible Persons.

One or more of the following persons may be held responsible for a violation of this Ordinance and be subject to the remedies and penalties provided in this section:

- (1) An architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Ordinance, and
- (2) An owner of the property on which a violation of this Ordinance occurs, or any tenant or occupant of that property who has control over, or responsibility for, its use or development.

(D) Enforcement Procedures.

(1) Investigation.

On receiving complaints or other information suggesting a violation of this Ordinance, the Zoning Administrator shall investigate the situation and determine whether a violation exists.

(2) Initial Notice of Violation.

On determining that a violation exists, the Zoning Administrator shall give the responsible person(s) written notice of the violation by personal delivery, certified or registered mail, return receipt requested. If after reasonable attempts have been made to effect service of the written notice upon the responsible person(s) by personal delivery or certified or registered mail, then service may be had by posting the written notice upon the property in a conspicuous place for a period of not less than ten (10) days. The notice shall describe the nature of the violation, state the actions necessary to correct the violation, and invite the alleged violator to meet with the Zoning Administrator within ten days after service of said notice upon him/her to discuss the violation and how it may be corrected. The Zoning Administrator may provide the alleged violator additional written notices of violation.

Rev. 07/05/05

(3) Final Notice of Violation; Correction Order.

The Zoning Administrator's final written notice of violation (which may be the initial notice) shall be served upon the responsible person(s) in the same manner as the Initial Notice of Violation and shall also order correction of the violation not to exceed thirty (30) days, state which of the remedies and penalties authorized in Subsection E the Zoning Administrator may pursue if the violation is not corrected within the specified time limit, and state that the correction order may be appealed to the Board of Adjustment.

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(4) Appeal to the Board of Adjustment.

Any person aggrieved by the Zoning Administrator's determination of a violation or correction order may appeal that determination or order to the Board of Adjustment in accordance with the provisions of Section 3.3. As provided by that section, an appeal generally stays all further actions to enforce a correction order until the Board of Adjustment has decided the appeal.

If the recipient of a correction order does not appeal the order to the Board of Adjustment within the time limit specified in Section 3.3, that person may not later appeal to the Board of Adjustment the subsequent imposition of any remedy or penalty specified in the order.

(5) Extension of Time Limit to Correct Violation.

The recipient of a correction order, or the owner of the property on which the violation occurs, may submit to the Zoning Administrator a written request for extension of the order's specified time limit for correction of the violation. On determining that the request includes enough information to show that the violation cannot be corrected within the specified time limit for reasons beyond the control of the person requesting the extension, the Zoning Administrator may extend the time limit as reasonably necessary to allow timely correction of the violation.

(6) Enforcement Action After Time Limit to Correct Violation.

Following the time limit for correction of the violation, including any stay or extension thereof, the Zoning Administrator shall determine whether the violation has been corrected. If the violation has been corrected, the Zoning Administrator shall take no further action against the alleged violator. If the violation has not been corrected, the Zoning Administrator may act to impose one or more of the remedies and penalties specified in the correction order.

(7) Emergency Enforcement Without Notice.

If delay in correcting a violation would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety, or welfare, the Zoning Administrator may seek immediate enforcement without prior written notice through any of the remedies or penalties authorized in Subsection E.

(E) Remedies And Penalties.

The Zoning Administrator may pursue one (1) or more of the following remedies and penalties to prevent, correct, or abate a violation of this ordinance. Use of one (1) of the authorized remedies and penalties does not preclude the Zoning Administrator from using any other authorized remedies or penalties, nor does it relieve any party to the

imposition of one (1) remedy or penalty from imposition of any other authorized remedies or penalties.

(1) Permit Revocation.

In accordance with the provisions of Section 7.3 of this Ordinance and the provisions of N.C.G.S. 153A-362, the Zoning Administrator or Building Inspector may revoke any permit or other authorization granted under this Ordinance for failure to comply with the provisions of this Ordinance or the terms and conditions of a permit or authorization granted under this Ordinance.

(2) Permit Denial.

As long as a violation of this Ordinance remains uncorrected, the Zoning Administrator may deny or withhold approval of any permit or other authorization provided for in this Ordinance that is sought for the property on which the violation occurs.

(3) Civil Penalty.

Violation of this Ordinance subjects the violator to a civil penalty in the amount of one hundred dollars (\$100.00). The Zoning Administrator may impose a civil penalty by giving the violator a written citation, either in person or by certified or registered mail, return receipt requested. The citation shall describe the nature of the violation, specify the amount of the civil penalty being imposed, and direct the violator to pay the civil penalty to the County within ten (10) days of the date the citation is received. If the violator fails to either pay the civil penalty or correct the violation within this time limit, the Zoning Administrator may institute a civil action in the nature of a debt in a court of competent jurisdiction to recover the civil penalty.

For purposes of assessing the amount of a civil penalty, each day the violation remains uncorrected after receipt of the correction order (or the receipt of the citation itself in the case of emergency enforcement) shall constitute a separate violation that subjects the violator to additional civil penalty.

(4) Criminal Penalty.

As provided in Section 14-4 of the North Carolina General Statutes, violation of this Ordinance constitutes a misdemeanor, punishable by a fine of up to five hundred dollars (\$500.00).

(5) Injunction and Abatement Order.

The Zoning Administrator may institute action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement commanding the

violator to correct or cease a violation of this Ordinance. Under Section 153A-123 of the North Carolina General Statutes, if the violator fails to comply with a court injunction or order of abatement and the County executes the order, the County will have a lien on the property on which the violation occurred for the County's costs in executing the order.

(6) Other Equitable Relief.

In addition to the above remedies and penalties, the Zoning Administrator may institute any other appropriate equitable action or proceeding in a court of competent jurisdiction to prevent, correct, or abate a violation of this Ordinance.

ADOPTION PROCESS
Brunswick County Zoning Ordinance and
Partial Development Code

- (1) Designation by Board of Commissioners of Planning Board as the "Planning Agency" pursuant to North Carolina General Statute 153A-344: May 1, 1989.
- (2) Certification of the Ordinance to the Board of Commissioners by the Planning Board pursuant to North Carolina General Statute 153A-344: September 8, 1992.
- (3) Receipt of Certification and acceptance of Ordinance by Board of Commissioners for purposes of public hearing pursuant to North Carolina General Statute 153A-344: September 8, 1992.
- (4) Public Hearing of Board of Commissioners pursuant to North Carolina General Statute 153A-323: September 29, 1992.
- (5) Recertification of Ordinance to Board of Commissioners by Planning Board pursuant to North Carolina General Statute 153A-344: November 2, 1992.
- (6) Second Reading and Adoption of Ordinance by Board of Commissioners: November 1, 1993.